



**BOARD OF ZONING ADJUSTMENT  
AGENDA  
MEETING OF OCTOBER 8, 2019, 3:00 PM**  
Council Chambers, City Hall South, 1501 Truxtun Avenue

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**1. ROLL CALL**

**2. PUBLIC STATEMENTS:**

**3. MINUTES**

- a. Approval of Minutes for the September 10, 2019 regular meeting.  
Staff recommends approval.

**4. CONSENT CALENDAR PUBLIC HEARINGS**

- 1 a. **Conditional Use Permit No. 19-0283:** Verizon Wireless is proposing a conditional use permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way. Notice of Exemption on file.  
Staff recommends approval.
- 1 b. **Conditional Use Permit No. 19-0318:** Jamal Powell is proposing a conditional use permit to allow for the expansion of an existing church in the R-2 (Limited Multiple-Family Dwelling Zone) district, located at 700 South Haley Street. Notice of Exemption on file.  
Staff recommends approval.
- 2 c. **Conditional Use Permit No. 19-0328:** Inland Architects is proposing a conditional use permit to allow a 40-bed expansion at an existing shelter service agency in the M-1 (Light Manufacturing Zone) district, located at 800 East 21st Street. Notice of Exemption on file.  
Staff recommends approval.
- 2 d. **Conditional Use Permit No. 19-0332:** Skarphol/Frank Associates is proposing a conditional use permit to convert an existing office building to a vocational school in the C-O (Professional and Administrative Office Zone) district, located at 333 Palmer Drive. Notice of Exemption on file.  
Staff recommends approval.

**5. PUBLIC HEARINGS**

**6. STAFF COMMUNICATIONS**

**7. BOARD STATEMENTS**

**8. ADJOURNMENT**

A handwritten signature in black ink, appearing to read 'K. F. Coyle', with a stylized flourish at the end.

Kevin F. Coyle, AICP CEP,  
Planning Director



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** October 8, 2019

**ITEM NUMBER:** Minutes3.(a.)

**TO:** Board of Zoning Adjustment

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**PLANNER:** Paul Johnson, Principal Planner

**DATE:**

**WARD:**

**SUBJECT:**

Approval of Minutes for the September 10, 2019 regular meeting.

**APPLICANT:**

**OWNER:**

**LOCATION:**

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**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
☐ Minutes	Backup Material



# BOARD OF ZONING ADJUSTMENT MINUTES

Meeting of September 10, 2019, 3:00 p.m.  
Council Chambers, City Hall, 1501 Truxtun Avenue

		<u>ACTION TAKEN</u>
<b>REGULAR MEETING</b>		
<b>1.</b>	<b>ROLL CALL</b>	
	Present: Members Fick, Huot, and Patteson Absent: None	
<b>2.</b>	<b>PUBLIC STATEMENTS</b>	
	None.	
<b>3.</b>	<b>MINUTES</b>	
	a. Approval of minutes of the August 13, 2019 regular Board of Zoning Adjustment meeting.	
	<i>Motion by Member Fick to approve. Motion passed with Member Huot abstaining.</i>	
<b>4.</b>	<b>CONSENT CALENDAR PUBLIC HEARINGS</b>	
(Ward 1)	a. Conditional Use Permit No. 19-0236: Matt VoVilla is proposing a conditional use permit to allow a trucking yard in the M-1 (Light Manufacturing Zone) district, located at 2138 South Union Avenue.	<b>Resolution 19-25</b>
(Ward 2)	b. Zoning Modification No. 19-0275: James Dethlefsen is proposing a zoning modification to: (1) Recognize two existing dwelling units with a 2-foot and 4-foot side yard setback where a minimum of 10 feet is required when multiple-family dwellings are adjacent to property of one family character; (2a) Allow conversion of the existing garage to a dwelling unit with a 0-foot side yard setback where a minimum 5 feet is required; (2b) Allow conversion of the existing garage to a dwelling unit with a 6-foot separation between dwelling units where a minimum of 10 feet is required in the R-2 (Limited Multiple-Family Dwelling Zone) district, located at 1306 Alta Vista Drive.	<b>Resolution 19-26</b>
(Ward 2)	c. Conditional Use Permit No. 19-0278	<b>Moved to 5.b.</b>
(Ward 1)	d. Conditional Use Permit No. 19-0283	<b>Moved to 5.c.</b>
(Ward 7)	e. Conditional Use Permit No. 19-0297: T-Mobile West, LLC is proposing a conditional use permit to allow a 67-foot tall monopalm wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 2821 Auto Mall Drive.	<b>Resolution 19-28</b>

**REGULAR MEETING****ACTION  
TAKEN**

- (Ward 2) f. Conditional Use Permit No. 19-0298: JR Design Group, LLC is proposing a conditional use permit to allow a duplex in the C-1 (Neighborhood Commercial Zone) district, located at 1316 Niles Street.

**Resolution  
19-29**

**Public hearing opened. Agenda Items 4.c. and 4.d. were removed by the public from the Consent Calendar Public Hearings. Public hearing closed.**

***Motion by Member Huot to approve consent calendar items with incorporation of the Director's memorandum dated September 10, 2019 for Item 4.e. Motion passed.***

**5. PUBLIC HEARINGS**

- (Ward 1) a. Conditional Use Permit No. 18-0397: Yadwinder Singh is proposing a conditional use permit to allow a recycling center within a State-recognized convenience zone, for the purchasing of California Redemption Value (CRV) containers from the public in the C-2 (Regional Commercial Zone) district, located at 830 Union Avenue.

**Resolution  
19-24**

**Staff presentation given. Public hearing opened. One person spoke in opposition. Three people spoke in favor, with additional correspondence submitted. Both sides provided a five-minute rebuttal period. Public hearing closed. Board Members deliberated.**

***Motion by Member Huot to deny the project. Motion passed.***

- (Ward 2) b. Conditional Use Permit No. 19-0278: Tim Stormont is proposing a conditional use permit to allow an indoor banquet venue in the C-1 (Neighborhood Commercial Zone) district, located at 2520 Brundage Lane.

**Resolution  
19-27**

**Staff presentation given. Public hearing opened. One person spoke in opposition. Two people spoke in favor. Both sides provided a five-minute rebuttal period. Public hearing closed. Board Members deliberated.**

***Motion by Member Huot to approve the project. Motion passed with Member Fick voting no.***

- (Ward 1) c. Conditional Use Permit No. 19-0283: Verizon Wireless is proposing a conditional use permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way.

**Continue to  
10/08/2019**

**Staff presentation given. Public hearing opened. Two people spoke in opposition. One person spoke in favor. Both sides provided a five-minute rebuttal period. Public hearing closed. Board Members deliberated.**

***Motion by Member Fick to continue to 10/08/2019. Motion passed.***

**ACTION**  
**TAKEN**

**REGULAR MEETING**

**6. STAFF COMMUNICATIONS**

None.

**7. BOARD STATEMENTS**

None.

**8. ADJOURNMENT**

**Chair Patteson adjourned the meeting at 4:47 p.m.**

Marisa Iturralde, Recording Secretary

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Kevin F. Coyle, AICP CEP  
Planning Director



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** October 8, 2019

**ITEM NUMBER:** Consent - Public  
Hearing4.(a.)

**TO:** Board of Zoning Adjustment

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**PLANNER:** Whitney Jackson

**DATE:**

**WARD:** 1

**SUBJECT:**

**Conditional Use Permit No. 19-0283:** Verizon Wireless is proposing a conditional use permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way. Notice of Exemption on file.

**APPLICANT:** Verizon Wireless

**OWNER:** Charlie Wortiska

**LOCATION:** 425 Terrace Way

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**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution
<input type="checkbox"/> Public Comments	Backup Material
<input type="checkbox"/> RF Emissions Compliance Report	Backup Material
<input type="checkbox"/> Photo Simulations	Backup Material

**CITY OF BAKERSFIELD  
PLANNING DEPARTMENT  
STAFF REPORT**

**TO:** Chair and Members of the Board of Zoning Adjustment

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**APPROVED** *KFC*

**DATE:** October 8, 2019

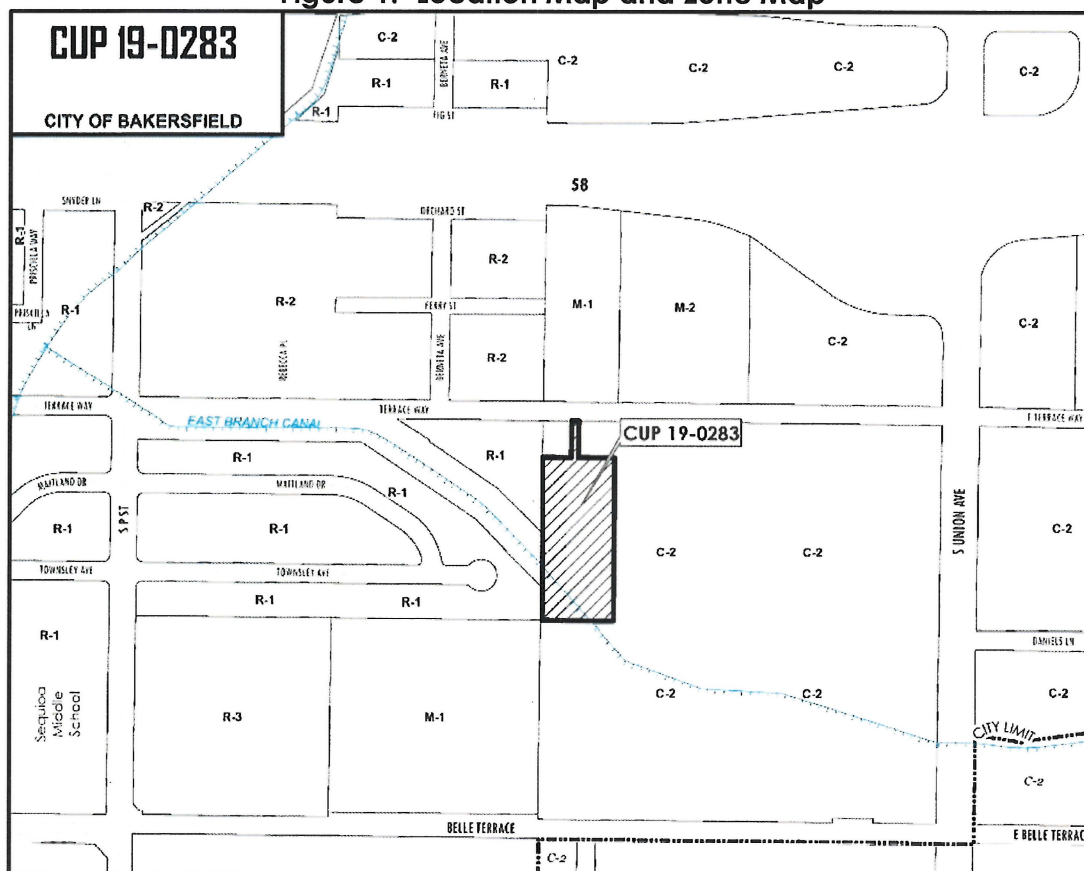
**SUBJECT:** Conditional Use Permit No. 19-0283 (Ward 1)

**APPLICANT:** Verizon Wireless  
8880 Cal Center Drive  
Sacramento, CA 95826

**OWNER:** Charlie Wortiska  
11811 Dell Rapids Court  
Bakersfield, CA 93312

**LOCATION:** 425 Terrace Way | APN: 011-240-02

**Figure 1. Location Map and Zone Map**



**RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0283, as depicted in the project description and subject to the listed conditions of approval.

## PROJECT SUMMARY:

This project was considered by your Board at the September 10, 2019 meeting; however, it was continued until today's meeting to allow time for the applicant to explore relocation of the facility on site. The project is a request for a conditional use permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment in the C-2 (Regional Commercial Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

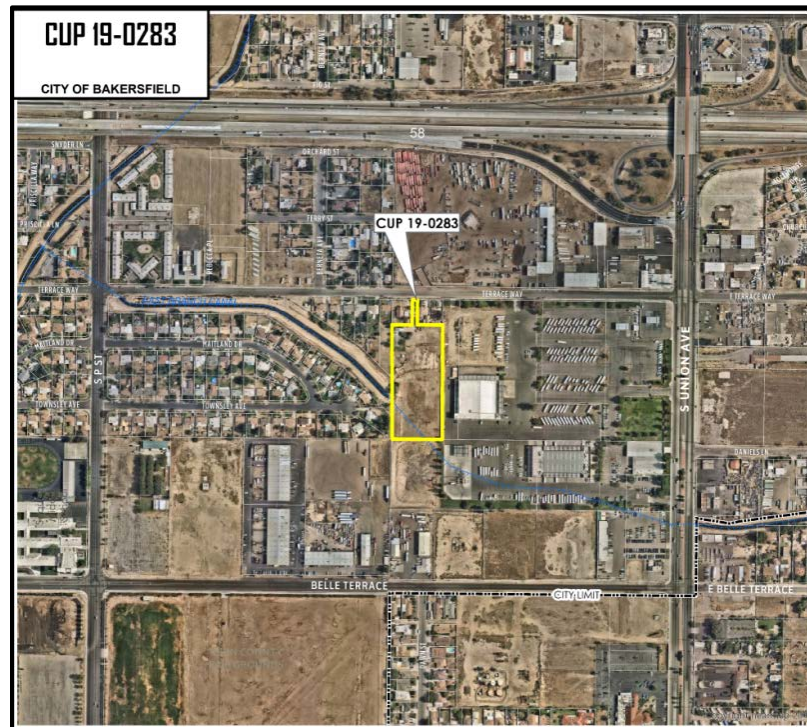


Figure 3a. Site Plan

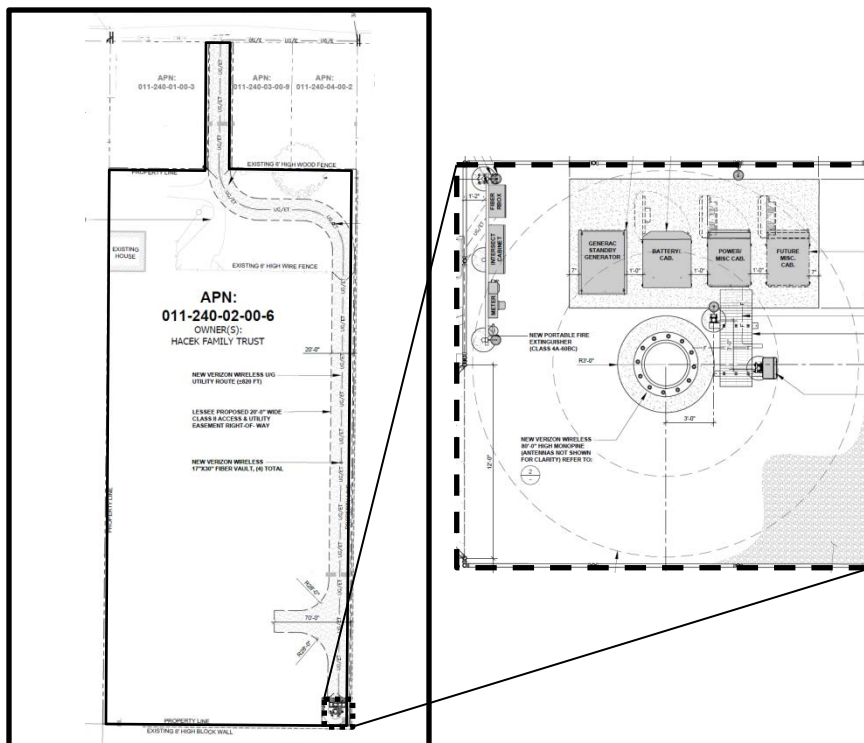
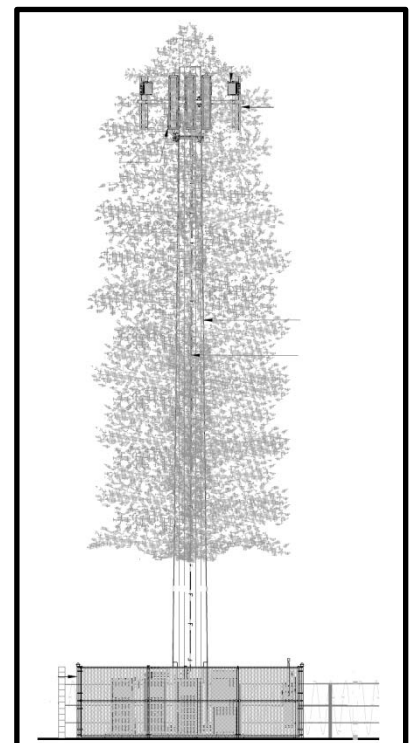


Figure 3b. Elevation (North)



## SURROUNDING LAND USES:

The project site is a 25 x 25 foot (625 square feet) portion of a 2.75-acre parcel developed with two residential structures. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	GC	C-2	Single-Family Residence / Undeveloped
North	LI / GC	M-1 / C-2	Storage Yard / Single-Family Residence
East	GC	C-2	School Bus Parking
South	GC	C-2	Drainage Sump
West	LR	R-1	Single-Family Residence
<b>General Plan Key</b> GC: General Commercial LI: Light Industrial LR: Low Density Residential		<b>Zone District Key</b> C-2: Regional Commercial M-1: Light Manufacturing R-1: One-Family Dwelling	

## ANALYSIS:

The purpose of the Bakersfield Municipal Code Chapter 17.59 (*Wireless Telecommunication Facilities Not in the Public Right-Of Way*) is to establish general guidelines for the siting of wireless telecommunication facilities not in the public right-of-way, in accordance with the Telecommunications Act of 1996, as amended.

**Requested Deviations from Development Standards.** Unless otherwise provided, wireless telecommunication facilities that do not meet specific requirements listed in the Ordinance, and facilities that do not meet development standards, are subject to a conditional use permit. As such, the proposed facility is being considered for the two following reasons:

1. **Height** - Maximum height for a tower, including equipment, is 125 feet or no more than 20 percent above the existing height of adjacent natural objects, whichever is less, on property zoned or designated commercial or industrial. Natural objects do not include fabricated structures such as buildings, signs, utility poles/towers, or other telecommunication towers.

The nearest substantial natural objects are trees approximately 53 feet in height located on site. Therefore, the development and design standards allow for a maximum height of approximately 63.5 feet for a wireless communication tower. As proposed, the stand-alone monopole will be 80 feet tall and camouflaged as a pine tree.

The applicant asserts that the facility and height are needed to offload capacity from existing facilities in the area that are beginning to suffer functionality issues associated with high user and data volume. This is reflected on the propagation maps that show the preferred location of the Verizon wireless communication site (see attached propagation maps). The proposed facility is located where Verizon radio frequency engineers have determined a new antenna facility could be located and provide the needed coverage.

2. **Enclosure** - Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with landscaping. Equipment buildings shall not exceed a height of 12 feet and an area of 750 square feet.

As proposed, the equipment would not be located within a building. However, the applicant is requesting to construct an 8-foot-tall chain link fence with slats painted brown for screening purposes. Given that there are residentially developed properties in close proximity to the lease area, Staff believes if chain link fencing is to be used, that sufficient landscaping be provided. Should your Board approve the proposed request, there is a condition of approval requiring the submittal of a landscape plan for review and approval prior to the issuance of building permits.

**Compliance with Development Standards.** In addition to the aforementioned development standards, the project is also subject to the following standards:

#### Setbacks

Equipment buildings and towers shall be set back 50 feet from any public or private street, and 50 feet from adjacent lots zoned or designated residential. As proposed, the lease area is set back approximately 600 feet from the frontage street, and the nearest residential property is approximately 200 feet to the west of the lease area.

#### Other Standards

As proposed, the facility adheres to all other development and design standards to include security lighting, signs, colors, Federal Aviation Administration conformance, proper state of appearance, and interference with any electrical equipment in the surrounding neighborhoods. Nonetheless, should your Board approve the proposed request, the applicable standards are incorporated as conditions of approval.

**Co-location/Expansion.** According to the applicant, the wireless facility is designed to allow for future expansion and/or colocation by other wireless users. With regard to future expansion and/or alterations, Staff notes that on January 8, 2015, the Federal Communication Commission (FCC) published guidance on interpretation of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 which provides that a State or local government "may not deny, and shall approve" any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.

Although Section 6409(a) does not define what constitutes a "substantial change," the FCC has applied the following four-prong test to determine whether a collocation will effect a "substantial increase in the size of a tower:"

1. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

2. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
3. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
4. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

#### **ENVIRONMENTAL REVIEW AND DETERMINATION:**

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15061(b)(3), because the project does not have the potential to cause a significant effect on the environment. A Notice of Exemption has been prepared.

#### **PUBLIC NOTIFICATION:**

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States mail regarding this public hearing in accordance with city ordinance and state law.

In response, Staff received comment letters in opposition from Gabriel Nuno and Rafael Centeno & Alma Villasenor. The concerns are summarized below, followed by Staff's response.

1. Decrease property value up to 20 percent or even more.

Response - Staff notes there are a large number of factors that influence property value such as: (a) current housing markets; (b) interest rates; (c) employment opportunities; and (d) faith in the current economy.

2. Ancillary equipment can expose residents to unknown chemicals.

Response - Ancillary equipment is designed for containment of chemicals (e.g. diesel fuel in generator) and the applicant is required to have a Safety Data Sheet (SDS) available. Additionally, based on information provided by Verizon Wireless and predictive modeling, the site will be compliant with Radio Frequency (RF) Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. The proposed operation will not expose members of the general public to hazardous levels of RF energy at ground level or in adjacent buildings. Attached is the Radio Frequency Emissions Compliance Report.

3. The facility produces noise.

Response - According to the submitted documents, noise generated from the site would primarily be limited to the 20kw standby generator. The generator is located on the northern portion of the lease area, approximately 55 feet from the property line where there is an existing residential structure.

The generator will only operate during power outages and maintenance checks. The noise emissions of this generator when operating vary depending on the type of enclosure. As stated above, the equipment would not be located within a building, but rather an 8-foot-tall chain link fence with slats. Should your Board approve the chain link fence, there is a condition of approval requiring the submittal of a landscape plan for review and approval prior around the fence to address aesthetics and noise.

4. It has not been made clear as to what type of telecommunication facility or tower this will be.

Response - As proposed, the facility is being constructed for Verizon Communications Inc. However, a design to allow co-location is encouraged to minimize the number of antennas and towers in an area.

5. Towers can go up an additional 20 feet without community consent.

Response - As stated above within the heading "Co-location/Expansion", the Federal Communication Commission (FCC) published guidance on interpretation of Section 6409(a) which states that co-location may occur on existing towers if the proposed antenna would not increase the existing height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater,

6. Invade privacy during construction.

Response - Staff acknowledges that workers will be elevated above the ground during a specific timeframe while constructing the pole, and placing antennas and camouflage material. However, this is a short duration lasting approximately 2 weeks.

7. A safety issue of high concern is the maintenance/service workers who will access the area with or without other's consent, putting property at risk of unknown person(s) near homes.

Response - The application is signed by the property owner acknowledging the facility will be placed on site. Since legal access from Terrace Way is provided, no additional signatures are required. Staff notes the applicant will be required to pave the area from the public roadway to the lease area.

#### **BOARD OF ZONING ADJUSTMENT:**

As noted above, this project was originally considered by your Board on September 10, 2019. At that meeting, two individuals spoke in opposition and one in support.

**Opposition.** Surrounding property owners Rafael Centeno and Alma Centeno stated their concerns with the tower being located too close to residential property; consequently, property values will be reduced.

**Support.** The applicant, Kristina Demolli, indicated the tower is unable to be relocated on site because the property is being used for animal keeping, specifically horses.

**Decision.** Following deliberations, your Board continued the project for 30 days to allow the applicant additional time to reevaluate the project site to determine if the facility can be relocated elsewhere within the 2.75-acre parcel.

**Subsequent Changes to Site Plan.** Subsequent to the September 10, 2019 meeting, the applicant revised plans to relocate the facility to the southeast corner of the site. See Figures 4a and 4b. Staff notes the property south of the project site is developed with a sump. See Figure 5. Additionally, the East Branch Canal appears to bisect the site. Therefore, Staff is recommending a condition of approval that requires the applicant to submit a copy of the canal easement over the property and written confirmation from the East Branch Canal owner stating the location of the wireless communication facility will not interfere with canal operations/maintenance. Should there be a conflict that requires the tower to be relocated closer to residentially developed property, your Board would need to reconsider the request.

Figure 4a. Original Placement

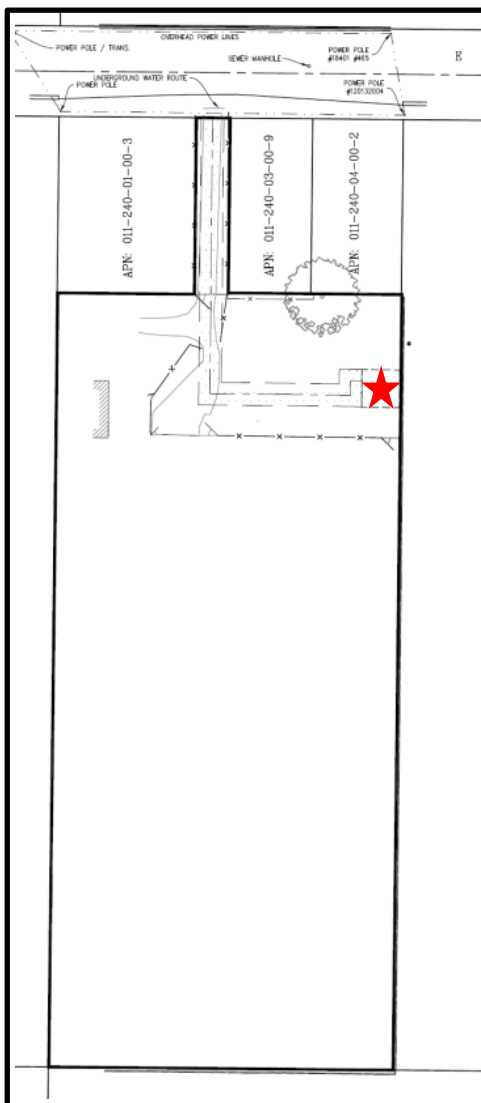


Figure 4b. New Placement

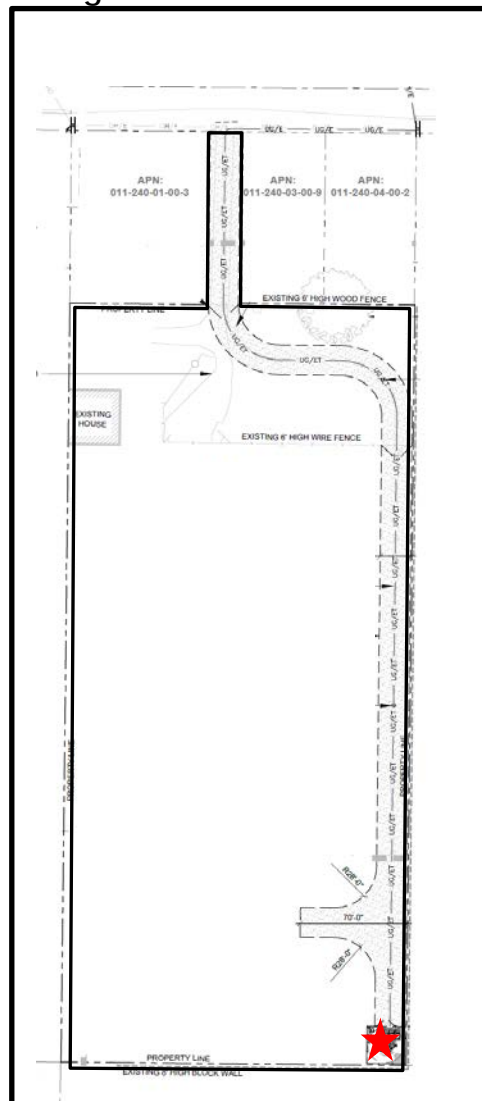


Figure 5. Site Aerial



## CONCLUSIONS:

**Findings.** Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit shall be granted only when it is found that:

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and
2. The proposed use is in harmony with the various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such conditions as deemed appropriate or necessary to assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan and applicable specific plans and policies of the city or to protect the public health, safety, convenience, or welfare.

In accordance with these required findings, and as conditioned, Staff finds: (1) construction of an 80-foot tall monopine wireless telecommunication facility would provide a public convenience by offering increased wireless reception; (2) the facility would not interfere with or disrupt existing land uses in the surrounding area; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**Recommendation.** Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0283, as depicted in the project description and subject to the listed conditions of approval.

**ATTACHMENTS:**

Draft Resolution with Exhibits  
Public Comments  
Radio Frequency Emissions Compliance Report

RESOLUTION NO. 19-\_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT  
APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN 80-FOOT TALL  
MONOPINE WIRELESS TELECOMMUNICATION FACILITY WITH ANCILLARY  
EQUIPMENT (17.59.020.C) IN THE C-2 (REGIONAL COMMERCIAL ZONE)  
DISTRICT, LOCATED AT 425 TERRACE WAY. (CUP NO. 19-0283)**

**WHEREAS**, Verizon Wireless filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment (17.59.020.C) in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way (the "Project"); and

**WHEREAS**, the Secretary of the Board of Zoning Adjustment set Tuesday, September 10, 2019, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code, and the project was continued to October 8, 2019; and

**WHEREAS**, at the public hearing testimony was received both in support and opposition of the Project; and

**WHEREAS**, the laws and regulations relating to the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Board of Zoning Adjustment; and

**WHEREAS**, the above described project is exempt from the requirements of CEQA in accordance with Section 15061(b)(3); and

**WHEREAS**, the City of Bakersfield Development Services Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

**WHEREAS**, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15061(b)(3) because the project does not have the potential to cause a significant effect on the environment.
3. The proposed use is essential and desirable to the public convenience and welfare.

4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Bakersfield Board of Zoning Adjustment as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 19-0283 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 8th day of October 2019, on a motion by Member \_\_\_\_\_ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

\_\_\_\_\_  
STUART PATTESON, CHAIR  
City of Bakersfield Board of Zoning Adjustment

Exhibits:     A.     Conditions of Approval  
                  B.     Location Map  
                  C.     Site Plan

Exhibit A  
(Conditions of Approval)

## EXHIBIT A

### CONDITIONS OF APPROVAL Conditional Use Permit No. 19-0283

**I. The applicant's rights granted by this approval are subject to the following provisions:**

- *The project shall be in accordance with all approved plans, conditions of approval, and other required permits and approvals. All construction shall comply with applicable building codes.*
- *All conditions imposed shall be diligently complied with at all times and all construction authorized or required shall be diligently prosecuted to completion before the premises shall be used for the purposes applied for under this approval.*
- *This approval will not be effective until ten (10) days after the date upon which it is granted by the BZA to allow for appeal to the City Council. Any permit or license for any approval granted shall not be issued until that effective date.*
- *This approval shall automatically be null and void two (2) years after the effective date unless the applicant or successor has actually commenced the rights granted, or if the rights granted are discontinued for a continuous period of one (1) year or more. This time can be extended for up to one (1) additional year by the approving body.*
- *The BZA may initiate revocation of the rights granted if there is good cause, including but not limited to, failure to comply with conditions of approval, complete construction or exercise the rights granted, or violation by the owner or tenant of any provision of the Bakersfield Municipal Code pertaining to the premises for which the approval was granted. The BZA may also consider adding or modifying conditions to ensure the use complies with the intent of City ordinances.*
- *Unless otherwise conditioned, this approval runs with the land and may continue under successive owners provided all the above mentioned provisions are satisfied.*

**II. The following conditions shall be satisfied as part of the approval of this project:**

1. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

2. This conditional use permit allows for an 80-foot tall monopine wireless telecommunications facility with ancillary equipment in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way, as depicted on attached Exhibits B and C.
3. Minimum setbacks of the tower, including equipment and equipment buildings, shall be fifty (50) feet from the property line abutting any public or private street, and 50 feet from adjacent lots zoned or designated residential.
4. Equipment buildings shall not exceed a height of 12 feet and an area of 750 square feet.
5. Associated equipment shall be within a completely enclosed building. Use of underground vaults, landscaping, or other camouflaging completely screening equipment is encouraged and may be considered by the approving authority in lieu of a building. If security fencing is used, it shall be wrought iron or similar decorative material. Chain-link fencing may only be used if screened with slats, landscaping, or other cover material as approved by the Planning Director.
6. If security lighting is provided, it shall be directed downward and shielded to prevent light spillage onto adjacent properties and public rights-of-way.
7. Signs and advertisement are prohibited, except required informational signs for public safety in accordance with the area limitations of Section 17.60.080 F.
8. Non-reflective colors shall be used for all equipment shelters, poles, towers, antennas, and supporting structures. If not camouflaged, antenna and monopoles shall be a single color such as off-white, cream, beige, light green, or gray.
9. Antenna structures shall conform to Federal Aviation Administration regulation AC70/7460 latest edition. This may include beacons, sidelights, and/or strobes.
10. The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhoods such as television, radio, telephone, computer, inclusive of any public safety radio system, 911 emergency system, etc., unless exempted by federal regulation.
11. Facilities shall be maintained in good condition and a proper state of preservation at all times. They shall be operational and present a satisfactory appearance regarding their original approval such as painting, material screening, camouflage, landscaping, or anything related to the appearance of the overall facility to the satisfaction of the Planning Director.
12. The facility shall be constructed and operated in accordance with all requirements of the California Public Utilities Commission and Federal Communications Commission.

III. ***The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.***

A. **DEVELOPMENT SERVICES - BUILDING (1715 Chester Avenue)**  
**(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

1. Prior to review of improvement plans by the City, the developer shall submit a grading plan for the proposed site to be reviewed and approved by the City Engineer and Building Official (Bakersfield Municipal Code Section 16.44.010). With the grading plan, if the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a Notice of Intent (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 99-08-DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
2. A grading permit is required prior to final plan approval. The developer shall submit four (4) copies of grading plans and two (2) copies of the preliminary soils report to the Building Division. A final soils report shall also be submitted to the Building Division before they can issue a building permit. Please note that grading plans must be consistent with the final building site plans and landscaping plans. Building permits will not be issued until the grading permit is approved by the Building Division, Planning Division (HCP), and Public Works Department.
3. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.
4. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.
5. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
6. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
7. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.

8. Prior to granting occupancy, the Building Division will verify that a water meter serving the development is in place. Therefore, it is recommended that the developer contact the applicable water purveyor to inquire about their process for obtaining water service for the development as soon as possible. To determine who the water purveyor for the development is, you may contact the City of Bakersfield Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715).

**B. DEVELOPMENT SERVICES - PLANNING (1715 Chester Avenue)  
(Staff contact - Whitney Jackson; 661-326-3673 or [WJackson@bakersfieldcity.us](mailto:WJackson@bakersfieldcity.us))**

1. All parking lots, driveways, drive aisles, loading areas, and other vehicular access ways, shall be paved with concrete, asphaltic concrete (A. C.), or other paved street surfacing material in accordance with the Bakersfield Municipal Code (Sections 15.76.020 and 17.58.060.A.).
2. The developer shall include a copy of a final landscape plan with each set of the final building plans submitted to the Building Division. Building permits will not be issued until the Planning Division has approved the final landscape plan for consistency with approved site plans and minimum ordinance standards. **Please refer to the landscaping requirements in Chapter 17.61.** Landscape plans shall include, but are not limited to, data on: gallon/box size, spacing, species (reference approved parking lot tree list), ratio of deciduous vs. evergreen, shade calculations, ground cover calculations, etc.

(**Note 1:** At the time a final site inspection is conducted, it is expected that plants will match the species identified and be installed in the locations consistent with the approved landscape plan. Changes made without prior approval of the Planning staff may result in the removal and/or relocation of installed plant materials and delays in obtaining building occupancy.)

(**Note 2:** No mature landscaping shall be removed without prior approval by the Planning Director.)

(**Note 3:** Upon approval of the final landscape plan, a digital copy shall be submitted to the Planning staff contact listed above.)

3. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs. Signs must comply with the Sign Ordinance (Chapter 17.60 of the Bakersfield Municipal Code.)
4. The following conditions are required as part of a grading permit:
  - a. Habitat Conservation fees shall be required for this project and will be calculated based on the fee in effect at the time we issue an urban development permit (includes grading plan approvals) as defined in the Implementation/Management Agreement (Section 2.21) for the Metropolitan Bakersfield Habitat Conservation Plan. Upon payment of the fee, the applicant will receive acknowledgment of compliance with Metropolitan Bakersfield Habitat Conservation Plan (Implementation/Management Agreement Section 3.1.4). This fee is currently \$2,145 per gross acres, payable to the City of Bakersfield (submit to the Planning Division). This fee must be paid before any grading or other site disturbance occurs.

Forms and instructions are available at the Planning Division or on the city's web site at [www.bakersfieldcity.us](http://www.bakersfieldcity.us) (go to Development Services Department).

The current Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) expires in year 2019. Projects may be issued an urban development permit, grading plan approval, or building permit and pay fees prior to the 2019 expiration date under the current MBHCP. As determined by the City of Bakersfield, only projects ready to be issued an urban development permit, grading plan approval or building permit before the 2019 expiration date will be eligible to pay fees under the current MBHCP. Early payment or pre-payment of MBHCP fees shall not be allowed. The ability of the City to issue urban development permits is governed by the terms of the MBHCP. Urban development permits issued after the 2019 expiration date may be subject to a new or revised Habitat Conservation Plan, if approved, or be required to comply directly with requests of the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife.

- b. Burrowing Owl Notification: The burrowing owl is a migratory bird species protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Sections 3503, 3503.5, and 3800 of the California Fish and Game Code prohibit the taking, possession, or destruction of birds, their nests or eggs. To avoid violation of the provisions of these laws generally requires that project related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (March 1- August 15, annually). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered "taking" and is potentially punishable by fines and/or imprisonment.
  - c. Prior to ground disturbance, the developer shall have a California Department of Fish and Wildlife approved MBHCP biologist survey the location for kit fox, and comply with the provisions of the Metropolitan Bakersfield Habitat Conservation Plan. Survey protocol shall be recommended by the California Department of Fish and Wildlife. Developer shall be subject to the mitigation measures recommended by the biologist. Copies of the survey shall be provided to the Development Services Department, California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service prior to ground disturbance.
  5. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.
- (Note:** Fences taller than 6 feet are allowed in commercial and industrial zones but they will require a building permit.)
6. Areas used for outside storage shall be treated with a permanent dust binder or other permanent dust control measure consistent with the regulations of the San Joaquin Valley Air Pollution Control District.

**(Note:** All passenger vehicle-parking areas must be paved.)

7. In the event a previously undocumented oil/gas well is uncovered or discovered on the project, the developer is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The developer is responsible for any remedial operations on the well required by DOGGR. The developer shall also be subject to provisions of BMC Section 15.66.080.B.
8. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).
9. Prior to receiving final building or site occupancy, you must contact the Planning Division (staff contact noted above) for final inspection and approval of the landscaping, parking lot, lighting and other related site improvements. Inspections will not be conducted until all required items have been installed. Any deviations from the approved plans without prior approval from the Planning Division may result in reconstruction and delays in obtaining a building or site occupancy.
10. Prior to issuance of grading or building permits, the applicant shall submit to the Planning Director: (1) a copy of the canal easement over the property; and (2) written confirmation from the East Branch Canal owner stating the location of the wireless communication facility will not interfere with canal operations/maintenance.

**C. FIRE DEPARTMENT (2101 H Street)**

**(Staff contact - Ernie Medina; 661-326-3682 or EMedina@bakersfieldcity.us)**

1. Show on the final building plans the following items:
  - a. All fire hydrants, both offsite (nearest to site) and on-site. Include flow data on all hydrants. Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).  
  
(**Note:** Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
  - b. Project address, including suite number if applicable. If the project is within a shopping or business center, note the name and address of the center.
  - c. Name and phone number of the appropriate contact person.

2. Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
3. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved fire apparatus access road* with an asphalt, concrete or other driving surface approved by the fire chief. Must be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds and shall be surfaced with the first lift of asphalt as to provide all-weather driving capabilities. All access (Permanent and temporary) to and around any building under construction must be at least 20 feet wide (26 feet wide where building height exceeds 30 feet), with an overhead clearance of 13 feet 6 inches, and contain no obstruction. The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
4. The minimum gate width shall be 20 feet and a minimum vertical clearance of thirteen (13) feet six (6) inches is required when the gate is at full open position. Where there is more than one gate and two or more driveways separated by islands, a minimum horizontal clearance of fifteen (15) feet for each driveway and a minimum vertical clearance of thirteen (13) feet six (6) inches is required when gates are at full open position. Horizontal distance shall be measured perpendicular to the direction of travel on the driveway. Vertical distance shall be measured from the highest elevation of the driveway to the lowest overhead obstruction.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official. All new construction of access gates shall be equipped with an automatic opening device which is activated through the wireless activation system utilized on City of Bakersfield owned vehicles for traffic preemption. Installation and maintenance of the wireless activation system on access gate(s) shall be completed by the gate owner. The gate opening device shall have a disconnect feature for manual operation of the gate when the power fails.
6. The developer shall submit two (2) sets of plans for permits and approvals from the Fire Department for fuel tanks or related facilities before they are installed on the site. Please contact the Prevention Services Division at 661-326-3979 for further information.
7. If you handle hazardous materials or hazardous waste on the site, the Prevention Services Division may require a hazardous material management and/or risk management plan before you can begin operations. Please contact them at 661-326-3979 for further information.
8. If you store hazardous materials on the site in either an underground or a permanent aboveground storage tank, a permit from the Prevention Services Division is required to install and operate these tanks. The Prevention Services Division may also require a Spill Prevention Control and Countermeasure Plan for storage of petroleum products above ground in quantities of 1,320 gallons or more. Please contact them at 661-326-3979 for further information.
9. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

**D. WATER RESOURCES (1000 Buena Vista Road)**  
**(Staff contact - Tylor Hester; 661-326-3715 or [THester@bakersfieldcity.us](mailto:THester@bakersfieldcity.us))**

As proposed, no applicable conditions at this time.

**E. PUBLIC WORKS - ENGINEERING (1501 Truxtun Avenue)**  
**(Staff contact - George Gillburg; 661-326-3997 or [GGillbur@bakersfieldcity.us](mailto:GGillbur@bakersfieldcity.us))**

1. The developer shall construct curbs, gutters, cross gutters, sidewalks, and street/alley paving along Terrace Way according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. All on-site areas required to be paved (i.e. parking lots, access drives, loading areas, etc.) shall consist of concrete, asphaltic concrete (Type B. A. C.) or other paved street material approved by the City Engineer. Pavement shall be a minimum thickness of 2 inches over 3 inches of approved base material (i.e. Class II A. B.) if concrete is used, it shall be a minimum thickness of 4 inches per Municipal Code Section 17.58.060.A. This paving standard shall be noted on the final building plans submitted to the Building Division before any building permits will be issued.
3. If a grading plan is required by the Building Division, building permits will not be issued until the grading plan is approved by **both** the Public Works Department and the Building Division.
4. All storm water generated on the project site, including the street frontage shall be retained onsite unless otherwise allowed by the Public Works Department (please contact the Public Works Department – Subdivisions at 661-326-3576).
5. If the project generates industrial waste, it shall be subject to the requirements of the Industrial Waste Ordinance. An industrial waste permit must be obtained from the Public Works Department before issuance of the building permit. To find out what type of waste is considered industrial, please contact the Wastewater Treatment Superintendent at 661-326-3249.
6. Before any building or site can be occupied, the developer must reconstruct or repair substandard off-site street improvements that front the site to adopted city standards as directed by the City Engineer. Please call the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required prior to submitting a grading plan. Any off-site/frontage improvements or repairs required during the site inspection shall be shown on the grading plan.
7. A street permit from the Public Works Department shall be obtained before any work can be done within the public right-of-way (streets, alleys, easements). Please include a copy of this site plan review decision to the department at the time you apply for this permit.
8. If the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a “Notice of Intent” (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (SWRCB Order No. 2009-009-DWQ as amended by Order No. 2010-0014-DWQ and 2012-0006-DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.

9. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
10. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Alerik Hoeh at 661-326-3576.

(**Note:** If already within a maintenance district, may need to update the maintenance district form.)

**F. PUBLIC WORKS - TRAFFIC (1501 Truxtun Avenue)**  
**(Staff contact - George Gillburg; 661-326-3997 or GGillbur@bakersfieldcity.us)**

As proposed, no applicable conditions at this time.

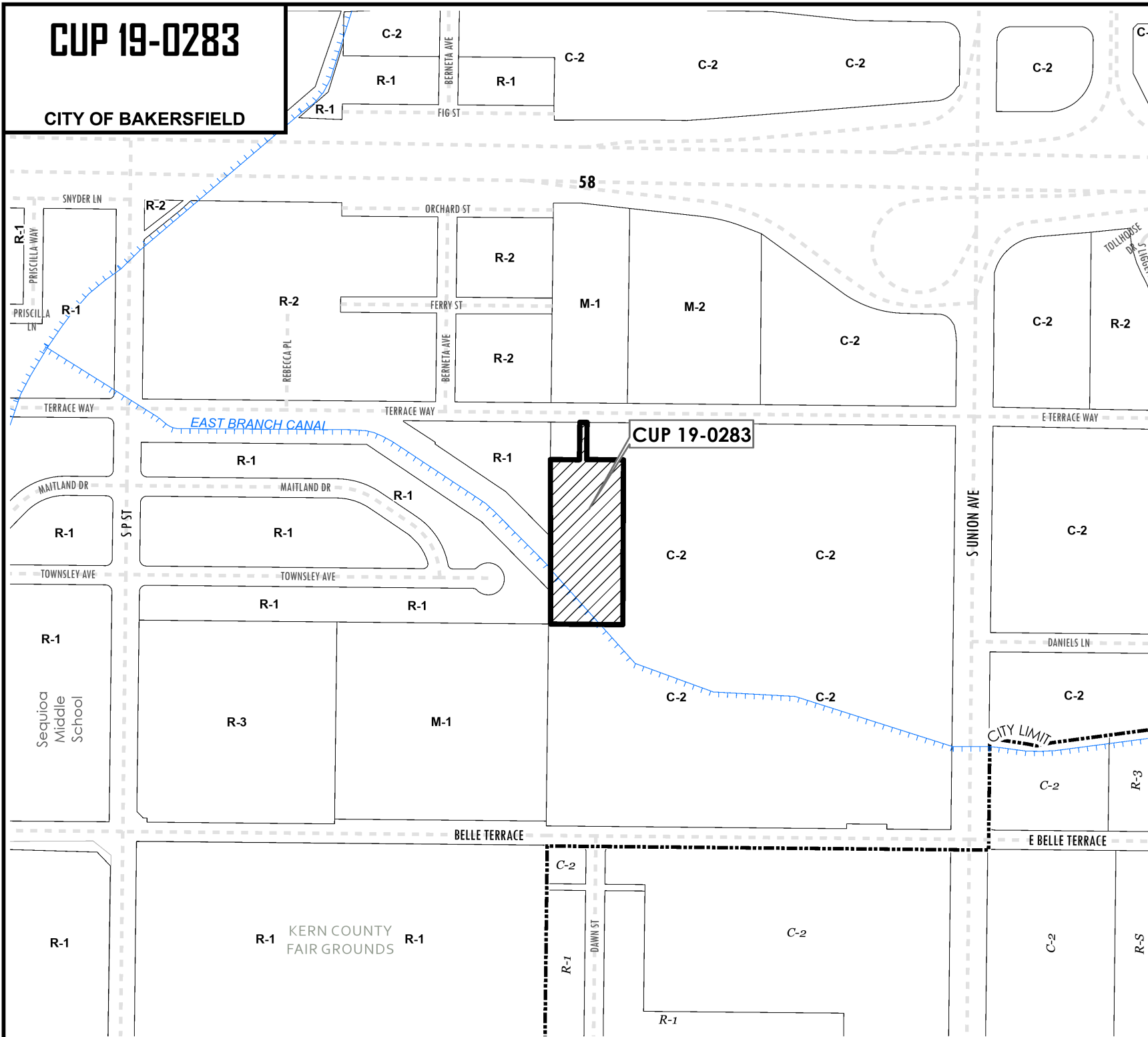
**G. PUBLIC WORKS - SOLID WASTE (4101 Truxtun Avenue)**  
**(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)**

As proposed, no applicable conditions at this time.

Exhibit B  
(Location Map)

# CUP 19-0283

CITY OF BAKERSFIELD



## LEGEND (ZONE DISTRICTS)

- R-1 One Family Dwelling  
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling  
4,500 sq.ft. min lot size
- E Estate  
10,000 sq.ft. min lot size
- R-S Residential Suburban  
24,000 sq.ft./dwelling unit
- R-S( ) Residential Suburban  
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling  
4,500 sq.ft. min lot size (single family)  
6,000 sq.ft. min lot size (multifamily)  
2,500 sq.ft. lot area/dwelling unit
- R-3 Multiple Family Dwelling  
6,000 sq.ft. min lot size  
1,250 sq.ft. lot area/dwelling unit
- R-4 High Density Multiple Family Dwelling  
6,000 sq.ft. min lot size  
600 sq.ft. lot area/dwelling unit
- R-H Residential Holding  
20 acre min lot size
- A Agriculture  
6,000 sq.ft. min lot size
- A-20A Agriculture  
20 acre min lot size
- PUD Planned Unit Development
- TT Travel Trailer Park
- MH Mobilehome
- C-O Professional and Administrative Office
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-C Commercial Center
- C-B Central Business
- PCD Planned Commercial Development
- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial
- P Automobile Parking
- RE Recreation
- Ch Church Overlay
- OS Open Space
- HOSP Hospital Overlay
- AD Architectural Design Overlay
- FP-P Floodplain Primary
- FP-S Floodplain Secondary
- AA Airport Approach
- DI Drilling Island
- PE Petroleum Extraction Combining
- SC Senior Citizen Overlay
- HD Hillside Development Combining
- WM- West Ming Specific Plan

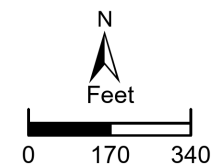
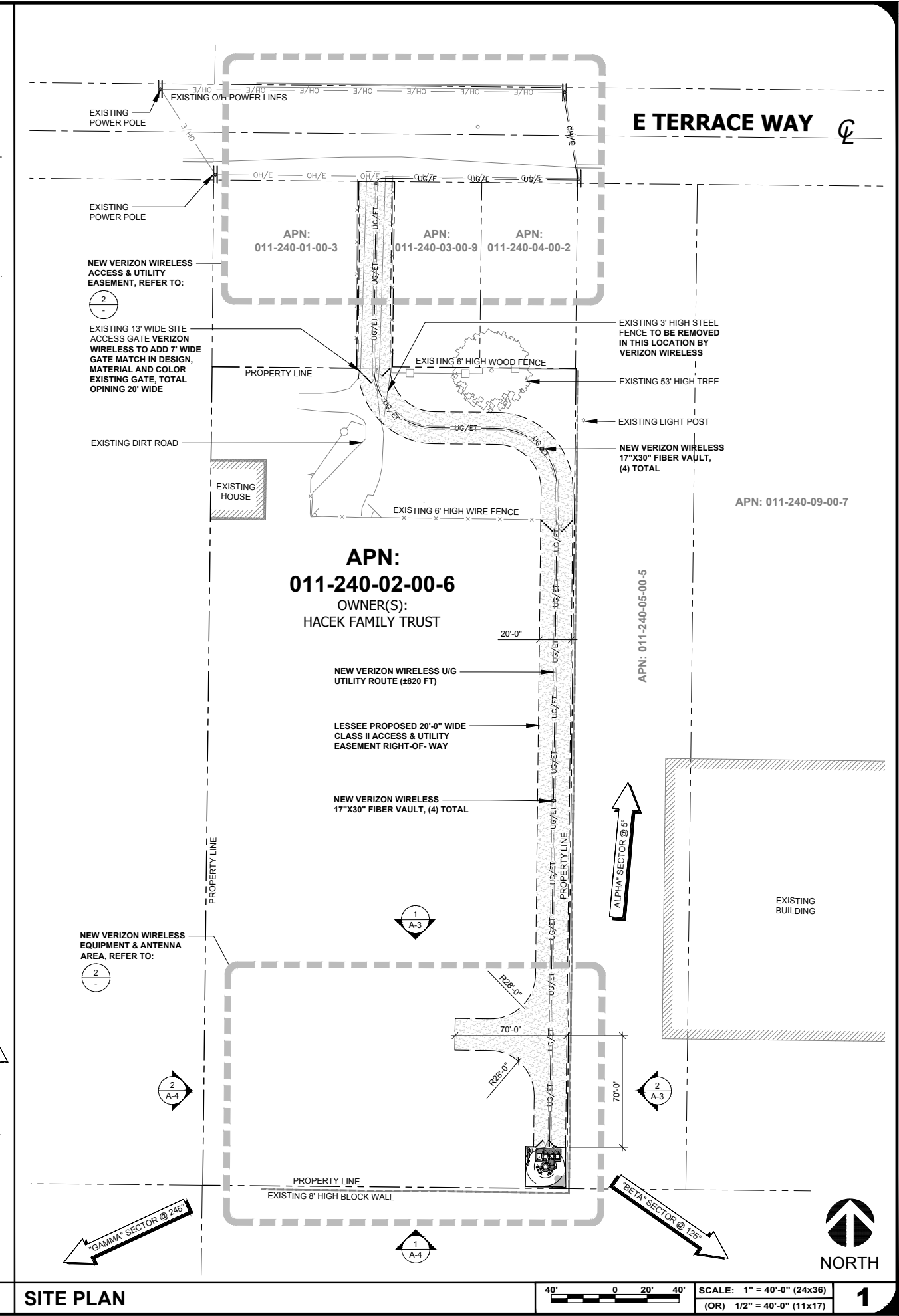
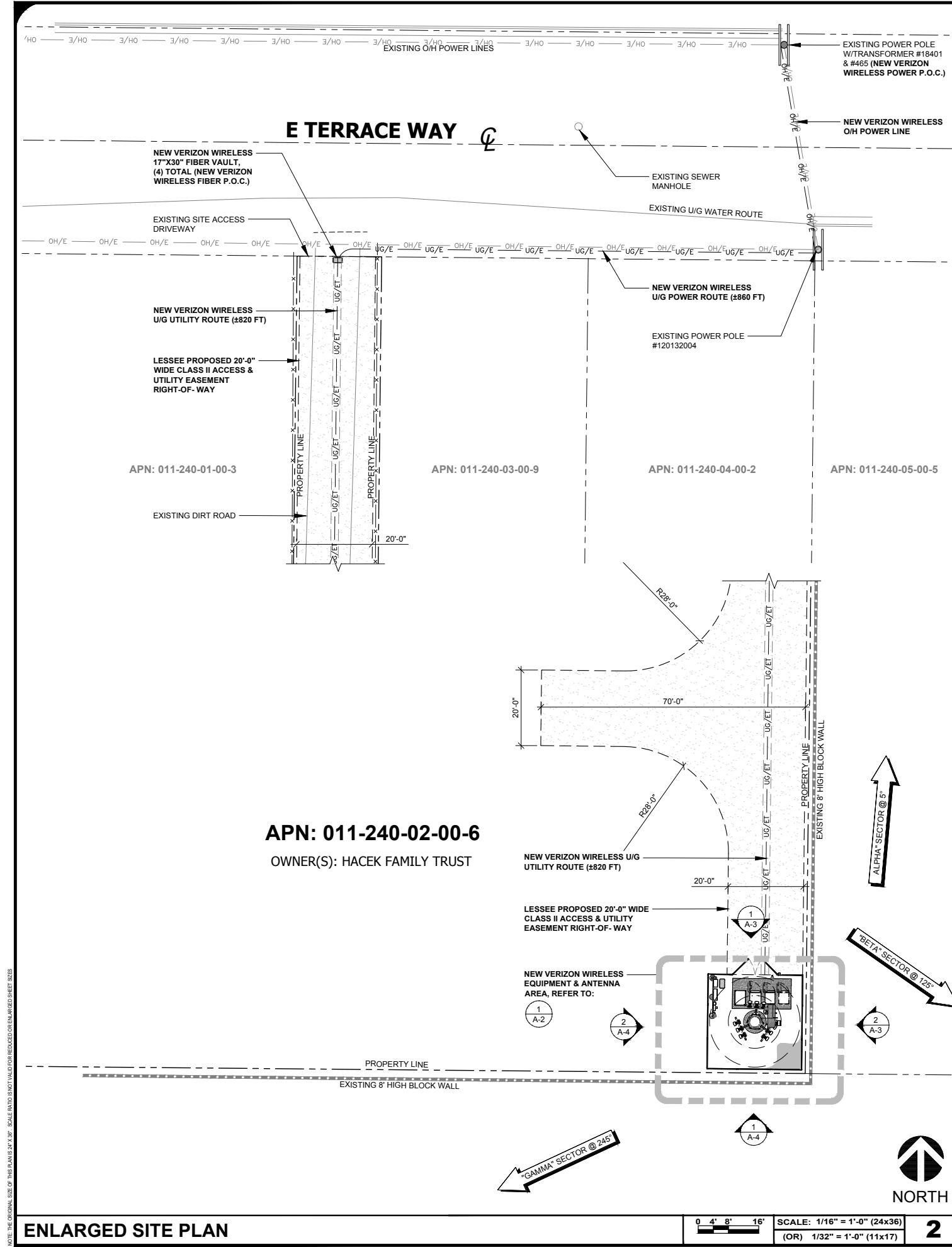


Exhibit C  
(Site Development Plan)



NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.



## ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	03/05/19	90% ZONING	FA
1	03/05/19	100% ZONING	FA
2	09/10/19	100% ZONING	FA
3	09/17/19	100% ZONING	FA
4	09/25/19	100% ZONING	FA



SAC AE DESIGN GROUP, INC.  
5015 SHOREHAM PLACE, STE. 150  
SAN DIEGO, CA 92122  
www.sacw.com  
619.736.3766

## PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS  
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED

**verizon**

2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

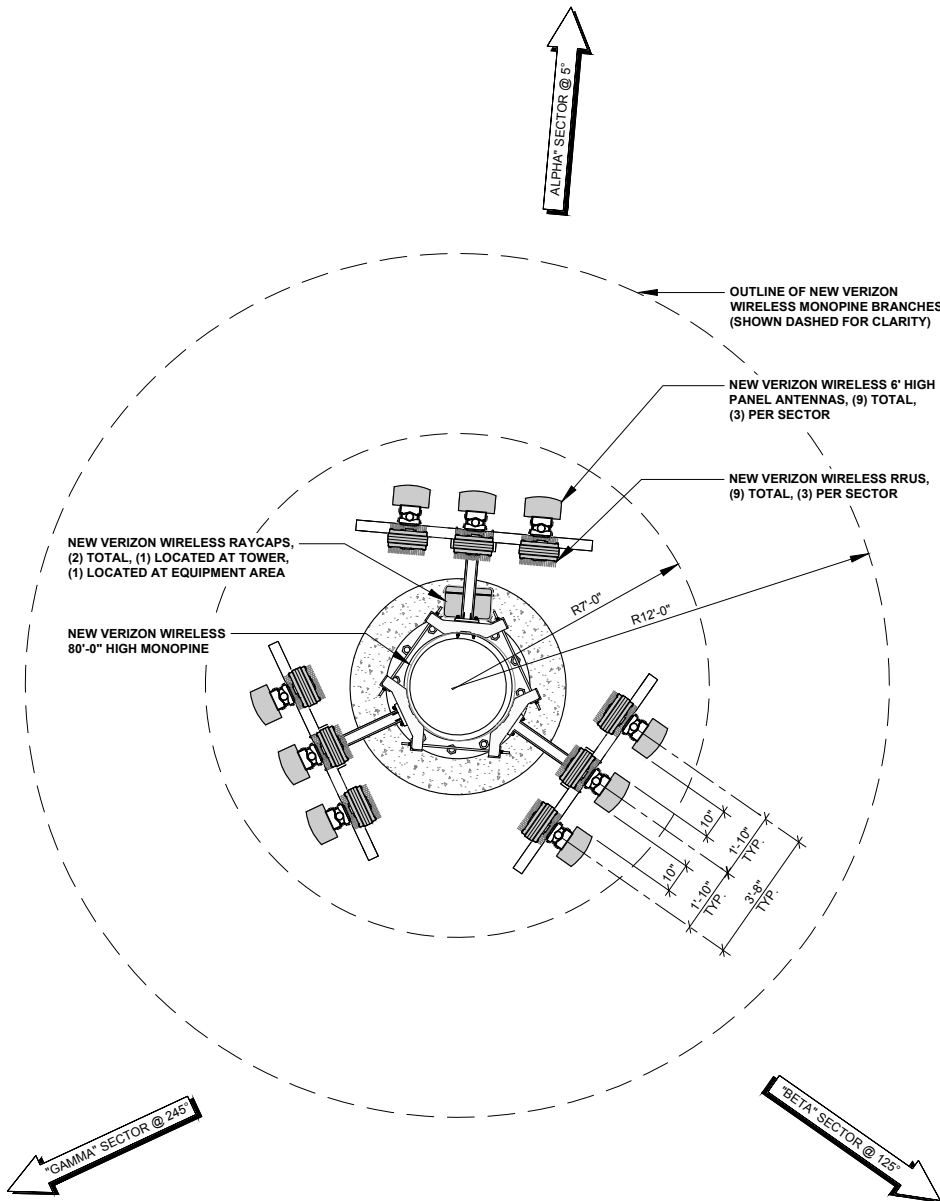
S UNION &  
MING  
PSL# 285394

425 TERRACE WAY  
BAKERSFIELD, CA 93304

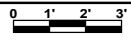
SHEET TITLE:  
**SITE PLAN &  
ENLARGED SITE PLAN**

**A-1**

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.

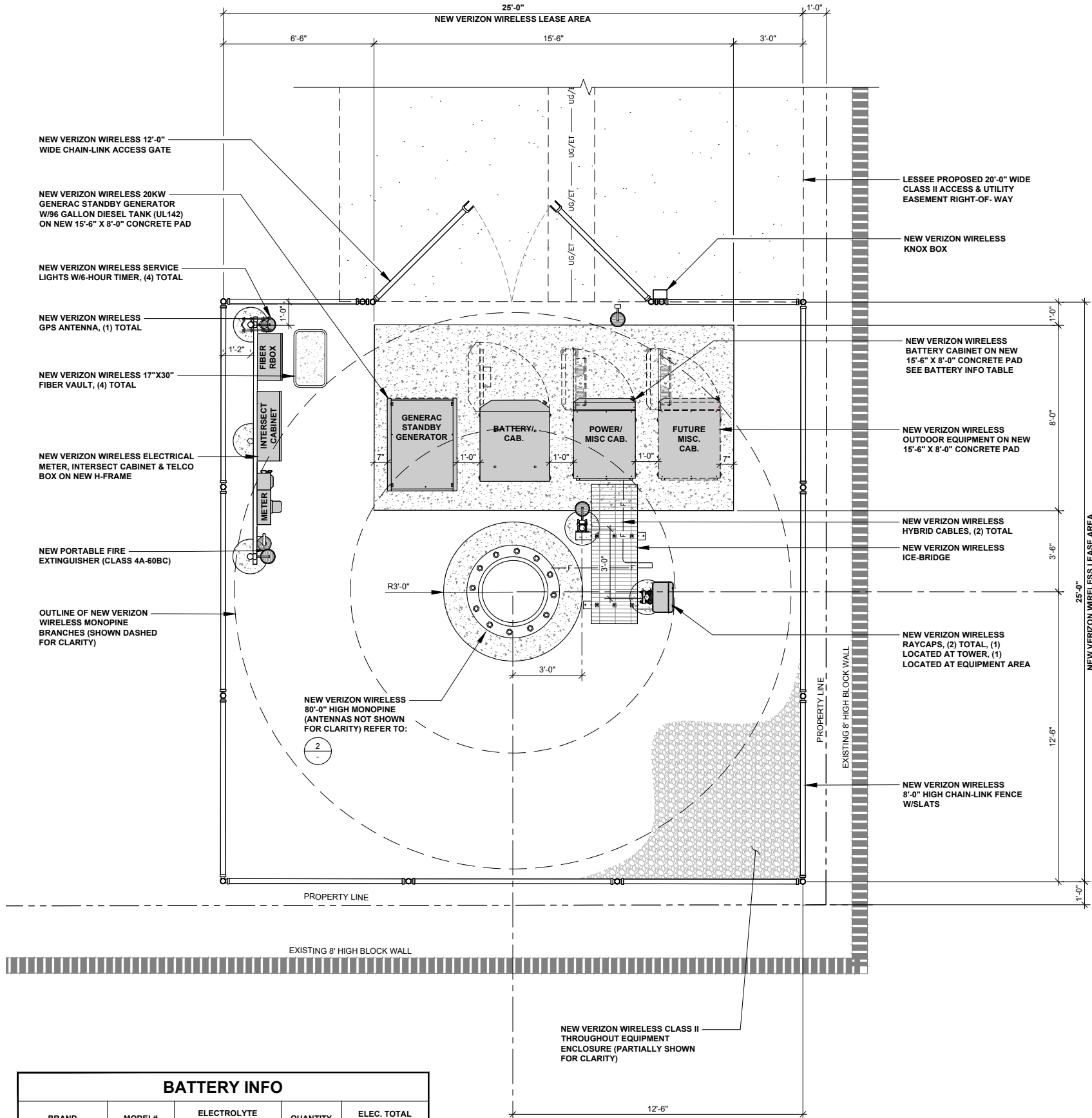


PANEL ANTENNA LAYOUT



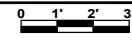
SCALE: 3/8" = 1'-0" (24x36)  
(OR) 3/16" = 1'-0" (11x17)

2



BATTERY INFO

BRAND	MODEL#	ELECTROLYTE (GALLONS/BATTERY)	QUANTITY	ELEC. TOTAL GALLONS
DEKA FAHRENHEIT	HT200ET	2.95	8	20.72



SCALE: 3/8" = 1'-0" (24x36)  
(OR) 3/16" = 1'-0" (11x17)

1

EQUIPMENT LAYOUT

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	03/05/19	90% ZONING	FA
1	03/05/19	100% ZONING	FA
2	09/10/19	100% ZONING	FA
3	09/17/19	100% ZONING	FA
4	09/25/19	100% ZONING	FA



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SAN DIEGO, CA 92122  
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619.736.3766

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WALNUT CREEK, CA 94598

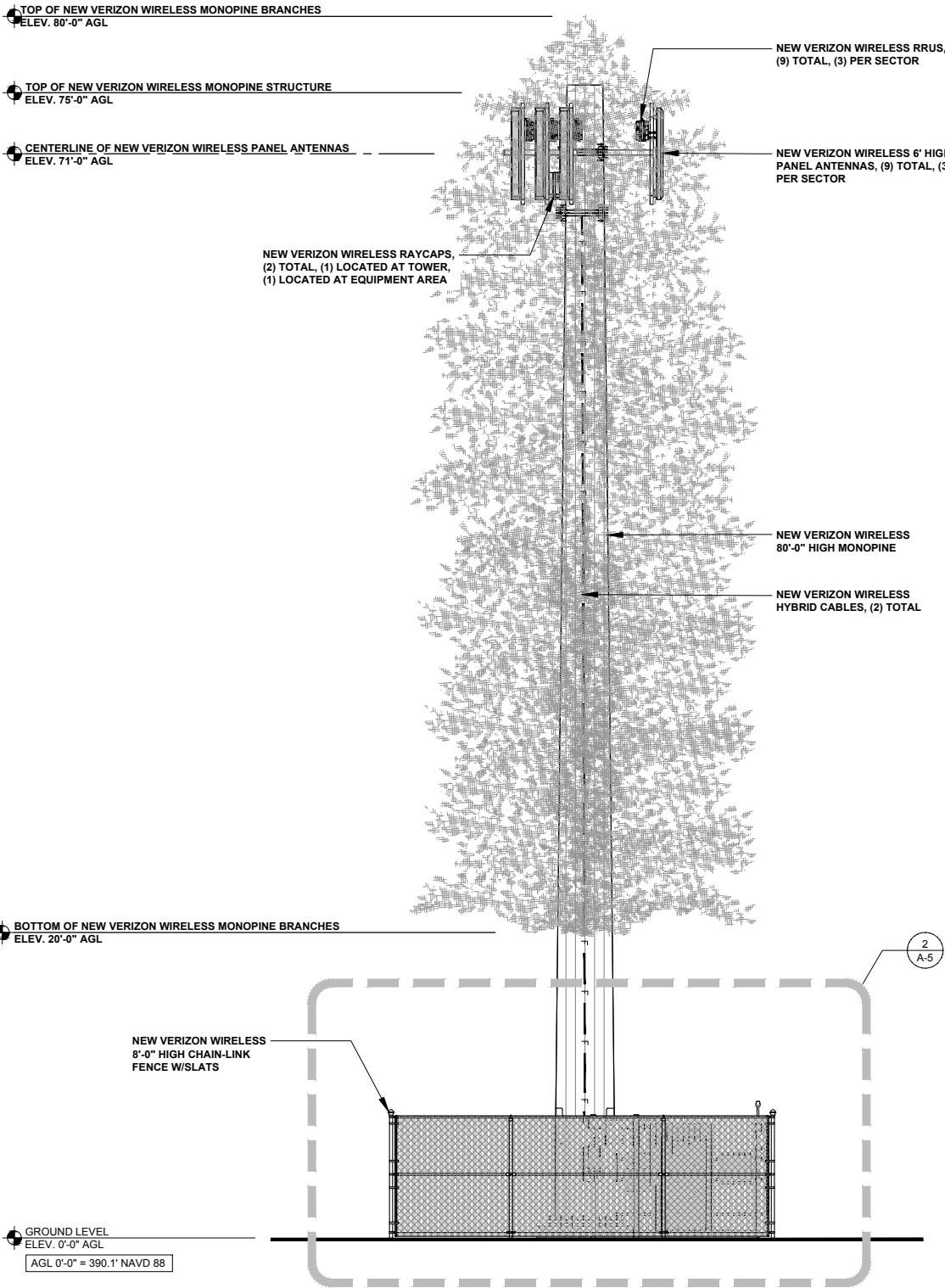
SUNION & MING  
PSL# 285394

425 TERRACE WAY  
BAKERSFIELD, CA 93304

SHEET TITLE:  
EQUIPMENT & ANTENNA LAYOUTS

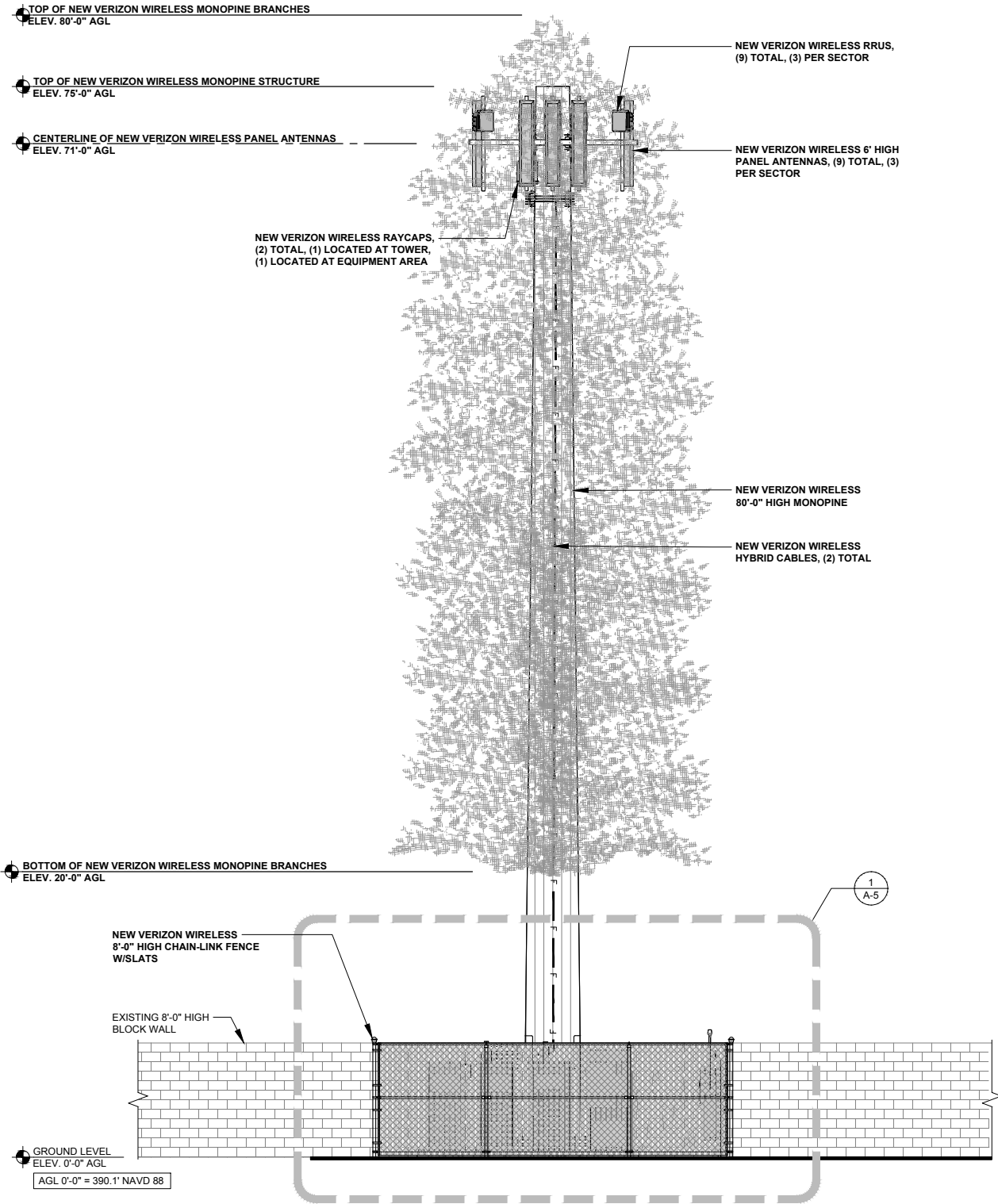
A-2

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.



NOTE:

- PAINT ALL NEW VERIZON WIRELESS EQUIPMENT ON TOWER TO MATCH MONOPINE.
- TOWER TO BE FULLY CLADDED.



EAST ELEVATION

0 1.5' 3' 5'

SCALE: 3/16" = 1'-0" (24x36)  
(OR) 3/32" = 1'-0" (11x17)

2

NORTH ELEVATION

0 1.5' 3' 5'

SCALE: 3/16" = 1'-0" (24x36)  
(OR) 3/32" = 1'-0" (11x17)

1

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	03/05/19	90% ZONING	FA
1	03/05/19	100% ZONING	FA
2	09/10/19	100% ZONING	FA
3	09/17/19	100% ZONING	FA
4	09/25/19	100% ZONING	FA



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619.736.3766

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2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

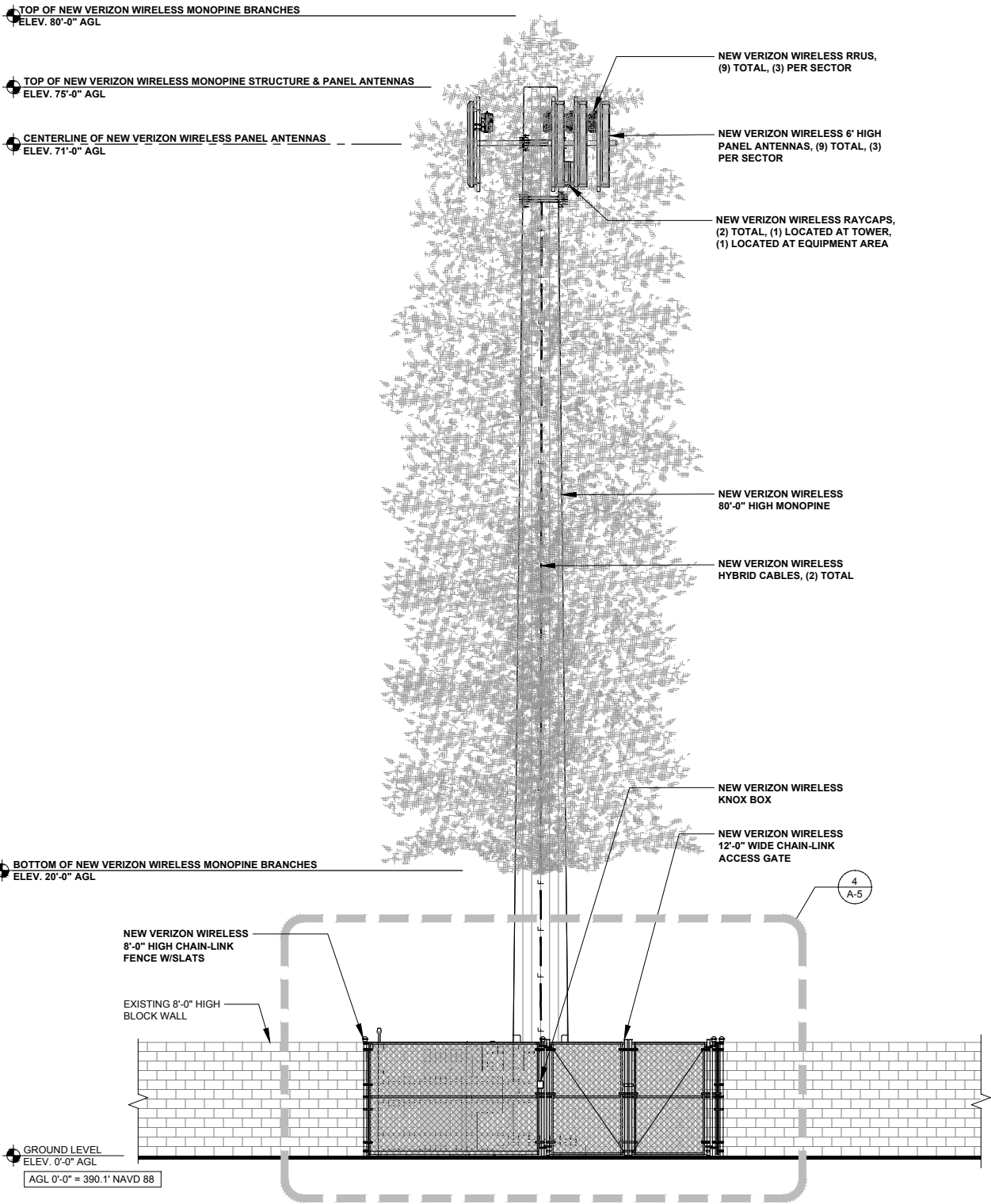
SUNION &  
MING  
PSL# 285394

425 TERRACE WAY  
BAKERSFIELD, CA 93304

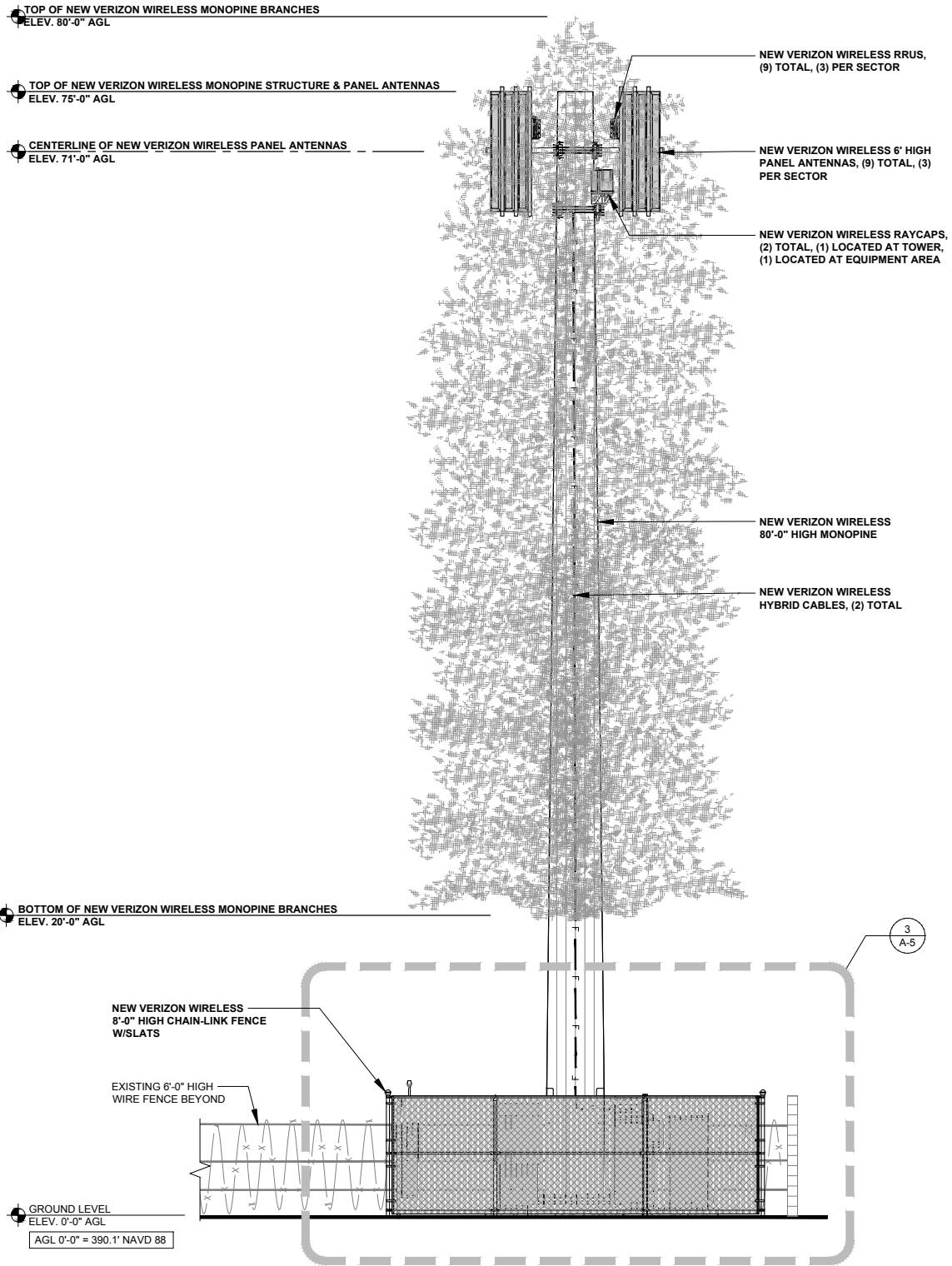
SHEET TITLE:  
NORTH & EAST  
ELEVATIONS

A-3

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES.



- NOTE:
- PAINT ALL NEW VERIZON WIRELESS EQUIPMENT ON TOWER TO MATCH MONOPINE.
  - TOWER TO BE FULLY CLADDED.



WEST ELEVATION

0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36)  
(OR) 3/32" = 1'-0" (11x17)

2

SOUTH ELEVATION

0 1.5' 3' 5' SCALE: 3/16" = 1'-0" (24x36)  
(OR) 3/32" = 1'-0" (11x17)

1

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	03/05/19	90% ZONING	FA
1	03/05/19	100% ZONING	FA
2	09/10/19	100% ZONING	FA
3	09/17/19	100% ZONING	FA
4	09/25/19	100% ZONING	FA



SAC AE DESIGN GROUP, INC.  
5015 SHOREHAM PLACE, STE. 150  
SAN DIEGO, CA 92122  
www.sacw.com  
619.736.3766

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS

ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED



2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

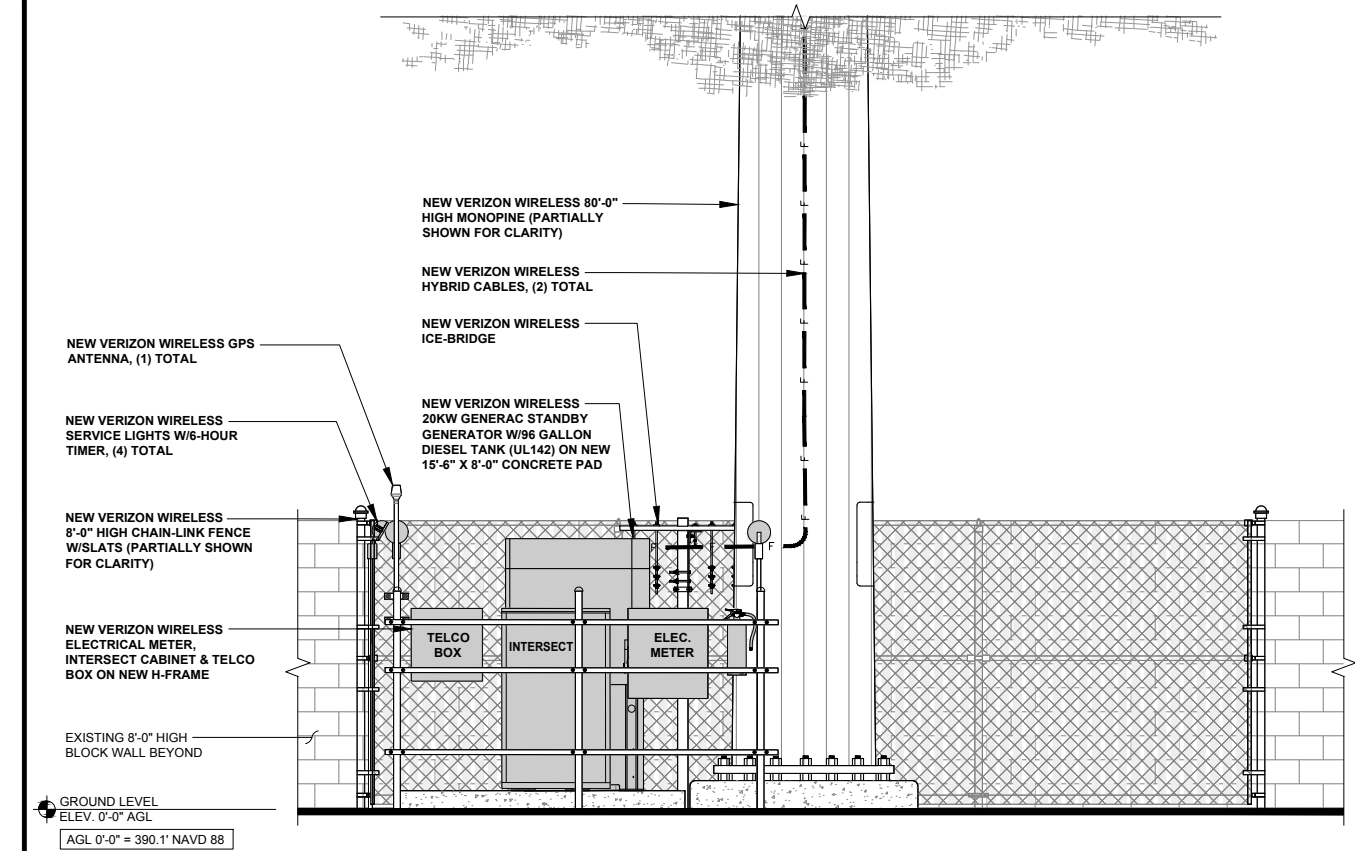
SUNION &  
MING  
PSL# 285394  
425 TERRACE WAY  
BAKERSFIELD, CA 93304

SHEET TITLE:

SOUTH & WEST  
ELEVATIONS

A-4

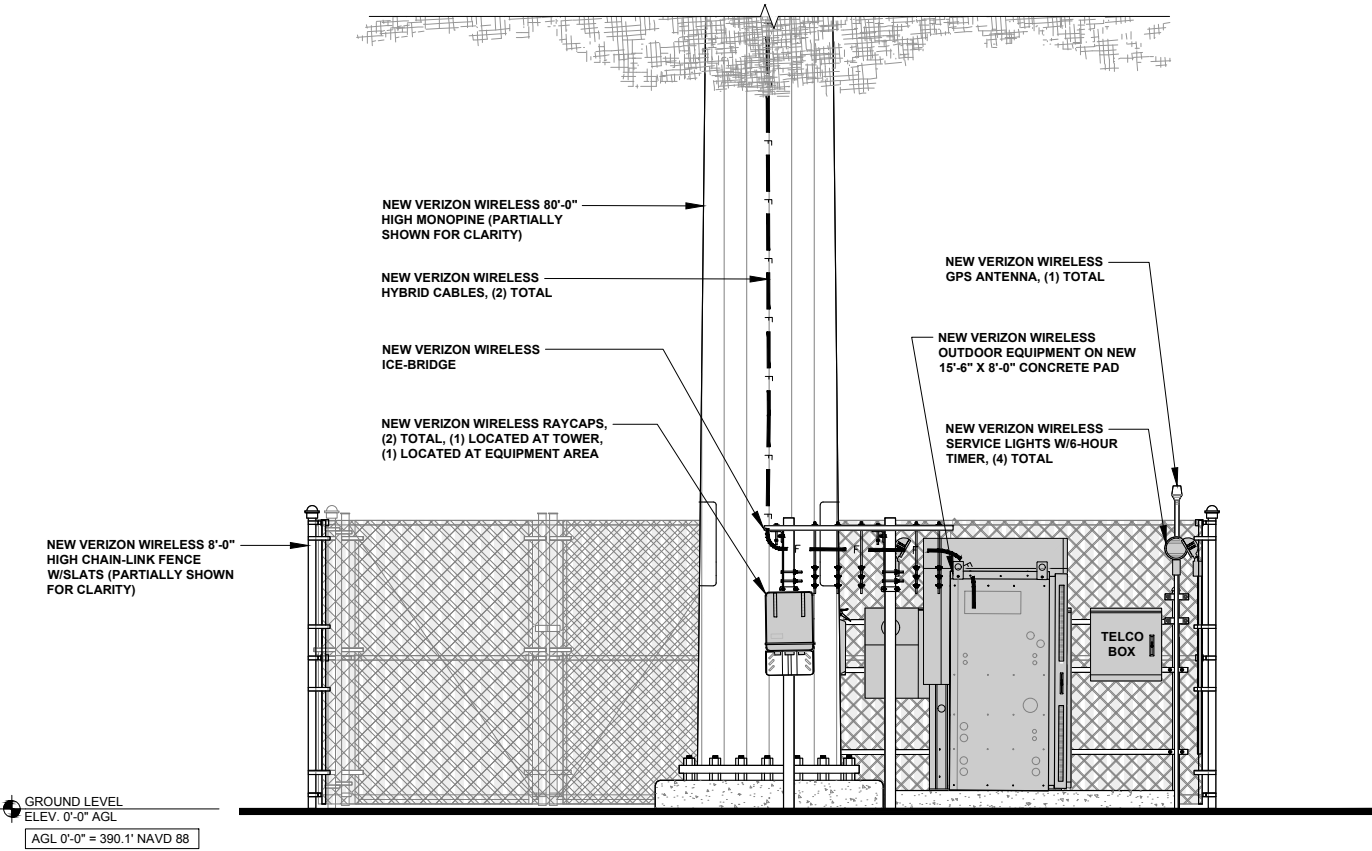
NOTE: THE ORIGINAL SIZE OF THIS DRAWING IS 24" X 36". SCALE RATIO SHOWN FOR REDUCED OR ENLARGED SHEET SIZES.



WEST EQUIPMENT ELEVATION

0 1' 2' 3' SCALE: 3/8" = 1'-0" (24x36)  
(OR) 3/16" = 1'-0" (11x17)

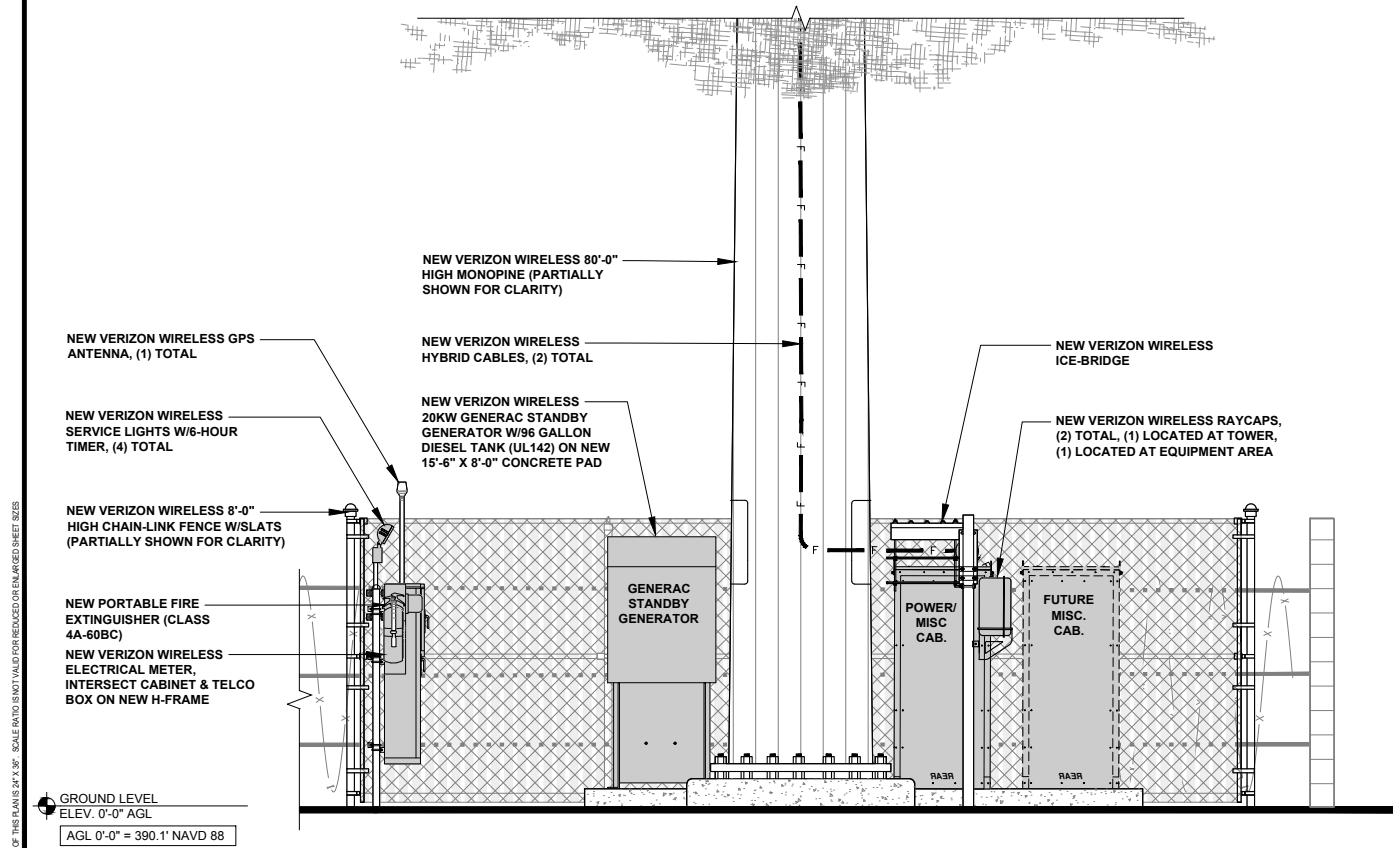
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EAST EQUIPMENT ELEVATION

0 1' 2' 3' SCALE: 3/8" = 1'-0" (24x36)  
(OR) 3/16" = 1'-0" (11x17)

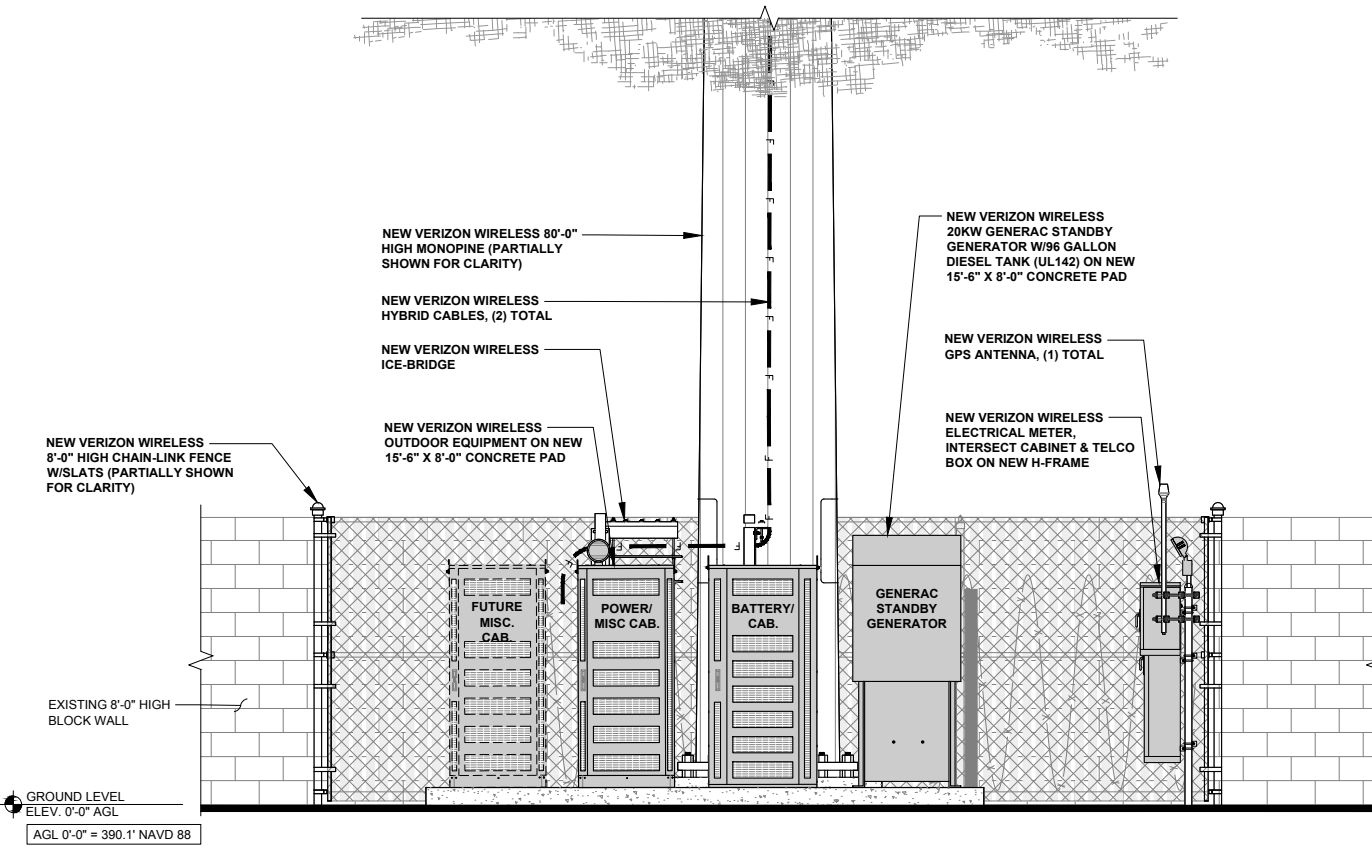
2



SOUTH EQUIPMENT ELEVATION

0 1' 2' 3' SCALE: 3/8" = 1'-0" (24x36)  
(OR) 3/16" = 1'-0" (11x17)

3



NORTH EQUIPMENT ELEVATION

0 1' 2' 3' SCALE: 3/8" = 1'-0" (24x36)  
(OR) 3/16" = 1'-0" (11x17)

1

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	03/05/19	90% ZONING	FA
1	03/05/19	100% ZONING	FA
2	09/10/19	100% ZONING	FA
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verizon

2785 MITCHELL DRIVE, BLDG 9  
WALNUT CREEK, CA 94598

S UNION &  
MING

PSL# 285394

425 TERRACE WAY  
BAKERSFIELD, CA 93304

SHEET TITLE:  
EQUIPMENT  
ELEVATIONS

A-5

## Public Comments

From: Gabriel Nuno <[gabrielnuno40@gmail.com](mailto:gabrielnuno40@gmail.com)>  
Sent: Wednesday, September 4, 2019 9:10 PM  
To: DEVPln <[DEVPln@bakersfieldcity.us](mailto:DEVPln@bakersfieldcity.us)>  
Subject: 425 terrace way monopine wireless telecommunication facility

Warning: This email originated from outside the City of Bakersfield. Think before you click!

To whom it may concern:

My name is Gabriel Nuno, owner of the property located at 423 Terrace Way in Bakersfield, CA 93304. I am writing in opposition of the 80ft monopine wireless telecommunication facility with ancillary equipment as it will decrease the value of our property for up to 20 percent or even more since the tower will be practically in our back yard. An additional concern is the ancillary equipment that can expose us to unknown chemicals. Another reason for opposing is that once a tower is built, it can go up an additional 20 ft without community consent due to the passing of section 6409 (a) of the middle class tax relief and job creation act of 2012. It would also invade our privacy during construction and maintenance of the tower as it is overlooking our yard right by our fence.

Sincerely,

Gabriel Nuno  
Araceli Loza (wife)

Sent from my iPhone

**From:** Rafael Centeno <[rafa.9@hotmail.com](mailto:rafa.9@hotmail.com)>  
**Sent:** Wednesday, September 4, 2019 9:11 PM  
**To:** DEVPln <[DEVPln@bakersfieldcity.us](mailto:DEVPln@bakersfieldcity.us)>  
**Cc:** Rafael Centeno <[rafa.9@hotmail.com](mailto:rafa.9@hotmail.com)>  
**Subject:** Open Letter to the Board of Zoning Adjustment

**Warning: This email originated from outside the City of Bakersfield. Think before you click!**

Attached is a letter in opposition to the proposed permit for a facility behind our residence and other supporting documents.

Rafael Centeno  
(661) 431-3274  
[rafa.9@hotmail.com](mailto:rafa.9@hotmail.com)

10:34



ehtrust.org

MENU

Research indicates that over 90% of home buyers and renters are less interested in properties near cell towers *and* would pay less for a property in close vicinity to cellular antennas. Documentation of a price drop up to 20% is found in multiple surveys and published articles as listed below. The US Department of Housing and Urban Development (HUD) considers cell towers as "Hazards and Nuisances."

**Once built. Cell towers can go up an additional 20 feet- without community consent.**

Most people in the United States are unaware that once a tower is built, it can go *up to 20 feet higher* with no public process due to the passing of [Section 6409\(a\) of the Middle Class Tax Relief and Job Creation Act of 2012](#). In other words, a 100 foot tower can be increased to 120 feet after it is constructed and the community will have no input. Communities are largely unaware of this law.

The California Association of Realtors' Property Sellers Questionnaire specifically "cell towers" listed on the disclosure form for sellers of real estate. The seller must note "neighborhood noise, nuisance or other problems from.." and includes cell towers and high voltage transmission lines on the long list problem

Associa  
Question

We apologize for any issues that you may have while navigating through our site. We are aware that there are some issues, but we are excited to announce that we are in the process of creating a new website. In the meantime, please continue visiting us, and contact us with any questions or concerns. Thank you!

Scroll down this page for resources on property de-valuation.

[Read the peer reviewed published science documenting the public health risk at this link](#)

10:35



ehtrust.org

MENU

["Cell Tower Antennas Problematic for Buyers"](#)  
published in REALTOR® Magazine:

- An overwhelming 94 percent of home buyers and renters surveyed by the National Institute for Science, Law & Public Policy (NISLAPP) say they are less interested and would pay less for a property located near a cell tower or antenna.
- The NISLAPP survey echoes the findings of a study by Sandy Bond of the New Zealand Property Institute and past president of the Pacific Rim Real Estate Society (PRRES). "The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods," which was published in The Appraisal Journal in 2006, found that buyers would pay as much as 20 percent less for a property near a cell tower or antenna.

2014 Survey by the National Institute for Science, Law and Public Policy (NISLAPP) in Washington, D.C., ["Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?"](#)

- Home buyers and renters are less interested in properties located near cell towers and antennas, as well as in properties where a cell tower or group of antennas are placed on top of a property.
- would negatively impact interest in a property or the price they would be willing to pay for it.

• Read the Press Release: [Survey by the National Institute for Science, Law &](#)

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10:37



ehtrust.org

MENU

## The US Department of Housing and Urban Development (HUD) considers cell towers as "Hazards and Nuisances."

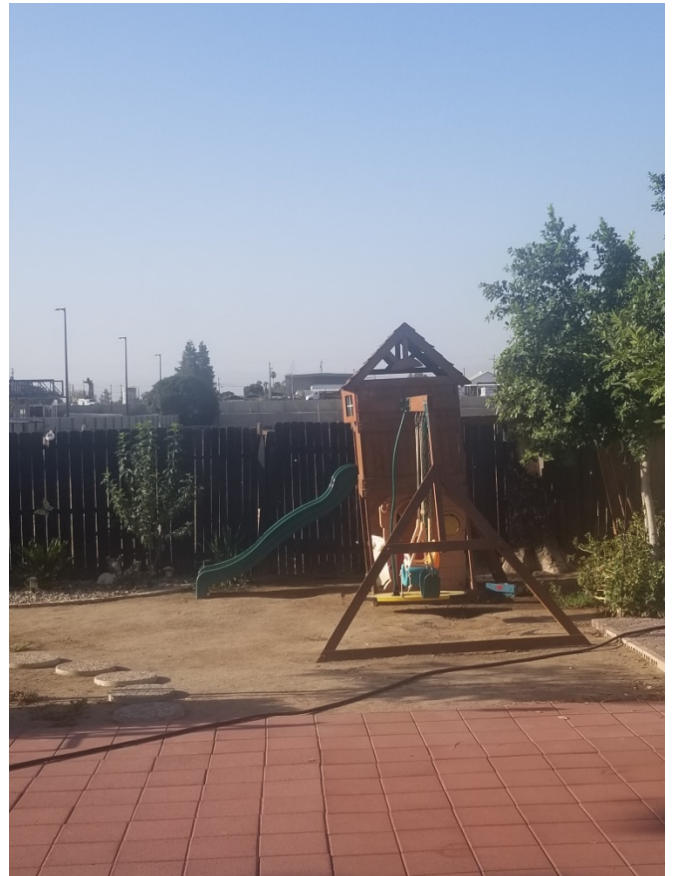
- HUD requires its certified appraisers to take the presence of nearby cell towers into consideration when determining the value of a single family residential property.
- HUD guidelines categorize cell towers with "hazards and nuisances." HUD prohibits FHA underwriting of mortgages for homes that are within the engineered fall zone of a cell tower.
- "The appraiser must indicate whether the dwelling or related property improvements is located within the easement serving a high-voltage transmission line, radio/TV transmission tower, cell phone tower, microwave relay dish or tower, or satellite dish (radio, TV cable, etc)."
- [Read it here at the US Department of Housing and Urban Development.](#)

Cell Towers are Discussed in the [Written Testimony of Bobbi Borland Acting Branch Chief, HUD Santa Ana Homeownership Center Hearing before the Subcommittee on Insurance, Housing and Community](#)

Opportunity  
Commitment

We apologize for any issues that you may have while navigating through our site. We are aware that there are some issues, but we are excited to announce that we are in the process of creating a new website. In the meantime, please continue visiting us, and contact us with any questions or concerns. Thank you!

[Impact of Overhead High Voltage Transmission Towers and Lines on Eligibility for Federal Housing Administration \(FHA\) Insured Mortgage Programs" Saturday, April 14, 2012](#)



Sent from my iPhone

## **Open Letter to the Board of Zoning Adjustment**

From Rafael Centeno & Alma Villasenor

September 2, 2019

### **RE: Opposition to Verizon Wireless proposing a Conditional Use Permit to allow an 80-foot tall monopine wireless telecommunication facility with ancillary equipment (17.59.020.C) in the C-2 (Regional Commercial Zone) district, located at 425 Terrace Way. (This will also affect other homeowners within the affected area.)**

This is a letter expressing opposition to the conditional use permit to allow a monopine wireless telecommunication facility with ancillary equipment by Verizon Wireless. My wife and I are current owners of an affected area at 421 Terrace Way. After carefully reading the Notice of Public Hearing regarding this future project and careful research about how a “tall cell phone tower” can significantly impact the value of our home, we have become concerned not only for value of our property, but the impact it will have on our neighborhood. Also, it has not been made clear as to what type of telecommunication facility or tower this will be, 5G. We have strong concerns that 5G has yet to be studied to really know the effects it can have on humans being in such close proximity to a tower. Aside from this danger, there is also a risk of leakage of the facility or other hazardous material or risk of electrical failures that have not been discussed. We have children along with our neighbor that could be at risk in some way, shape, or form because of the facility.

Upon speaking with a few neighbors within the same street, they all share the same concern that this will impact the value of their properties and the aesthetics of the entire neighborhood and are equally concerned that this will impact us greatly. After careful research throughout, it is estimated that property values for homes around cell phone towers is greatly affected with some values decreasing up to 20%. We have spoken to the realtor that sold us this property and stated our concern to him. He, too, agrees that having a facility like this directly behind our home will greatly decrease the value of our property. Although we are currently residing in the area, later down the road we may have thoughts of purchasing another home and renting or selling this home bringing the value of the property down because of the cell phone tower that is proposed to be built directly behind our property causing an “eye sore” and distraction from potential buyers, making it a hardship for us. Not only that but a facility that produces noises and disturbances will affect us now and those who choose to move in to the area in the future. Neighbors have expressed this concern and are agree to oppose this permit.

Furthermore, adding a wireless telecommunication facility with “ancillary equipment” requires personnel to constantly monitor and service the facility. A safety issue is of high concern as well, where workers who need to maintenance and service the facility will be let in to the area with or without our consent putting our property at risk of an unknown person near our home. A background check on workers with access to the tower does not convince us that our homes will be safe when we are away from home and invading our privacy when we are away. This will only cause us to add security measure to our property, dogs and cameras, which we will now have to pay to ensure that our property and neighbor’s property is safe, adding to an expense that is unexpected. Our privacy is now exposed to those who have to perform work on the tower at any point without our consent, as this structure will sit directly above ours, and others’ homes.

We have asked other neighbors around the area and they were unaware that there would be an 80-foot tall monopine cell tower built in our neighborhood and community. They have all expressed opposition to this and agree that the above three arguments greatly affects all of us. As a homeowner who must deal with having to drive up to a house, which we are constantly working on making our home, and see an 80-foot tall artificial, distractive tower directly behind my home does not sit well with our neighbors and us. It is also said in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 that this facility can be expanded to an additional 20 feet taller without providing residents of the affected area know about this change. Further, making the matters worse for us.

# **Radio Frequency Emissions Compliance Report**



# WATERFORD

---

## Radio Frequency Emissions Compliance Report For Verizon Wireless

Site Name: S Union & Ming  
Address: 425 Terrace Way  
Bakersfield, CA  
Report Date: July 30, 2019

Site Structure Type: Monopine  
Latitude: 35.34975556  
Longitude: -119.00675278  
Project: New Build

---

### Compliance Statement

Based on information provided by Verizon Wireless and predictive modeling, the S Union & Ming installation proposed by Verizon Wireless will be compliant with Radiofrequency Radiation Exposure Limits of 47 C.F.R. §§ 1.1307(b)(3) and 1.1310. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action is needed to achieve or maintain compliance.

### Certification

I, David H. Kiser, am the reviewer and approver of this report and am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation, specifically in accordance with FCC's OET Bulletin 65. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.



### General Summary

The compliance framework is derived from the Federal Communications Commission (FCC) Rules and Regulations for preventing human exposure in excess of the applicable Maximum Permissible Exposure ("MPE") limits. At any location at this site, the power density resulting from each transmitter may be expressed as a percentage of the frequency-specific limits and added to determine if 100% of the exposure limit has been exceeded. The FCC Rules define two tiers of permissible exposure differentiated by the situation in which the exposure takes place and/or the status of the individuals who are subject to exposure. General Population / Uncontrolled exposure limits apply to those situations in which persons may not be aware of the presence of electromagnetic energy, where exposure is not employment-related, or where persons cannot exercise control over their exposure. Occupational / Controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment, have been made fully aware of the potential for exposure, and can exercise control over their exposure. Based on the criteria for these classifications, the FCC General Population limit is considered to be a level that is safe for continuous exposure time. The FCC General Population limit is 5 times more restrictive than the Occupational limits.

Table 1: FCC Limits

Frequency (MHz)	<i>Limits for General Population/ Uncontrolled Exposure</i>		<i>Limits for Occupational/ Controlled Exposure</i>	
	Power Density (mW/cm <sup>2</sup> )	Averaging Time (minutes)	Power Density (mW/cm <sup>2</sup> )	Averaging Time (minutes)
30-300	0.2	30	1	6
300-1500	f/1500	30	f/300	6
1500-100,000	1.0	30	5.0	6

f=Frequency (MHz)

In situations where the predicted MPE exceeds the General Population threshold in an accessible area as a result of emissions from multiple transmitters, FCC licensees that contribute greater than 5% of the aggregate MPE share responsibility for mitigation.

Based on the computational guidelines set forth in FCC OET Bulletin 65, Waterford Consultants, LLC has developed software to predict the overall Maximum Permissible Exposure possible at any location given the spatial orientation and operating parameters of multiple RF sources. The power density in the Far Field of an RF source is specified by OET-65 Equation 5 as follows:

$$S = \frac{EIRP}{4\pi \cdot R^2} \text{ (mW/cm}^2\text{)}$$

where EIRP is the Effective Radiated Power relative to an isotropic antenna and R is the distance between the antenna and point of study. Additionally, consideration is given to the manufacturers' horizontal and vertical antenna patterns as well as radiation reflection. At any location, the predicted power density in the Far Field is the spatial average of points within a 0 to 6-foot vertical profile that a person would occupy. Near field power density is based on OET-65 Equation 20 stated as

$$S = \left( \frac{180}{\theta_{BW}} \right) \cdot \frac{100 \cdot P_{in}}{\pi \cdot R \cdot h} \text{ (mW/cm}^2\text{)}$$

where  $P_{in}$  is the power input to the antenna,  $\theta_{BW}$  is the horizontal pattern beamwidth and h is the aperture length.

Some antennas employ beamforming technology where RF energy allocated to each customer device is dynamically directed toward their location. In the analysis presented herein, predicted exposure levels are based on all beams at full utilization (i.e. full power) simultaneously focused in any direction. As this condition is unlikely to occur, the actual power density levels at ground and at adjacent structures are expected to be less than the levels reported below. These theoretical results represent worst-case predictions as all RF emitters are assumed to be operating at 100% duty cycle.

For any area in excess of 100% General Population MPE, access controls with appropriate RF alerting signage must be put in place and maintained to restrict access to authorized personnel. Signage must be posted to be visible upon approach from any direction to provide notification of potential conditions within these areas. Subject to other site security requirements, occupational personnel should be trained in RF safety and equipped with personal protective equipment (e.g. RF personal monitor) designed for safe work in the vicinity of RF emitters. Controls such as physical barriers to entry imposed by locked doors, hatches and ladders or other access control mechanisms may be supplemented by alarms that alert the individual and notify site management of a breach in access control. Waterford Consultants, LLC recommends that any

work activity in these designated areas or in front of any transmitting antennas be coordinated with all wireless tenants.

## Analysis

Verizon Wireless proposes the following installation at this location:

- (9) NEW VERIZON WIRELESS 6' HIGH PANEL ANTENNAS
- (9) NEW VERIZON WIRELESS RRHs

The antennas will be mounted on a 80-foot monopine with centerlines 71 feet above ground level. The antennas will be oriented towards 60, 180 and 320 degrees. The radio equipment to be operated at this location is capable of a maximum of 80W per 4G channel at 700 MHz, 80W per 4G channel at 850 MHz, 80W per 4G channel at 1900 MHz, and 80W per 4G channel at 2100 MHz. Other appurtenances such as GPS antennas, RRUs and hybrid cable below the antennas are not sources of RF emissions. No other antennas are known to be operating in the vicinity of this site.

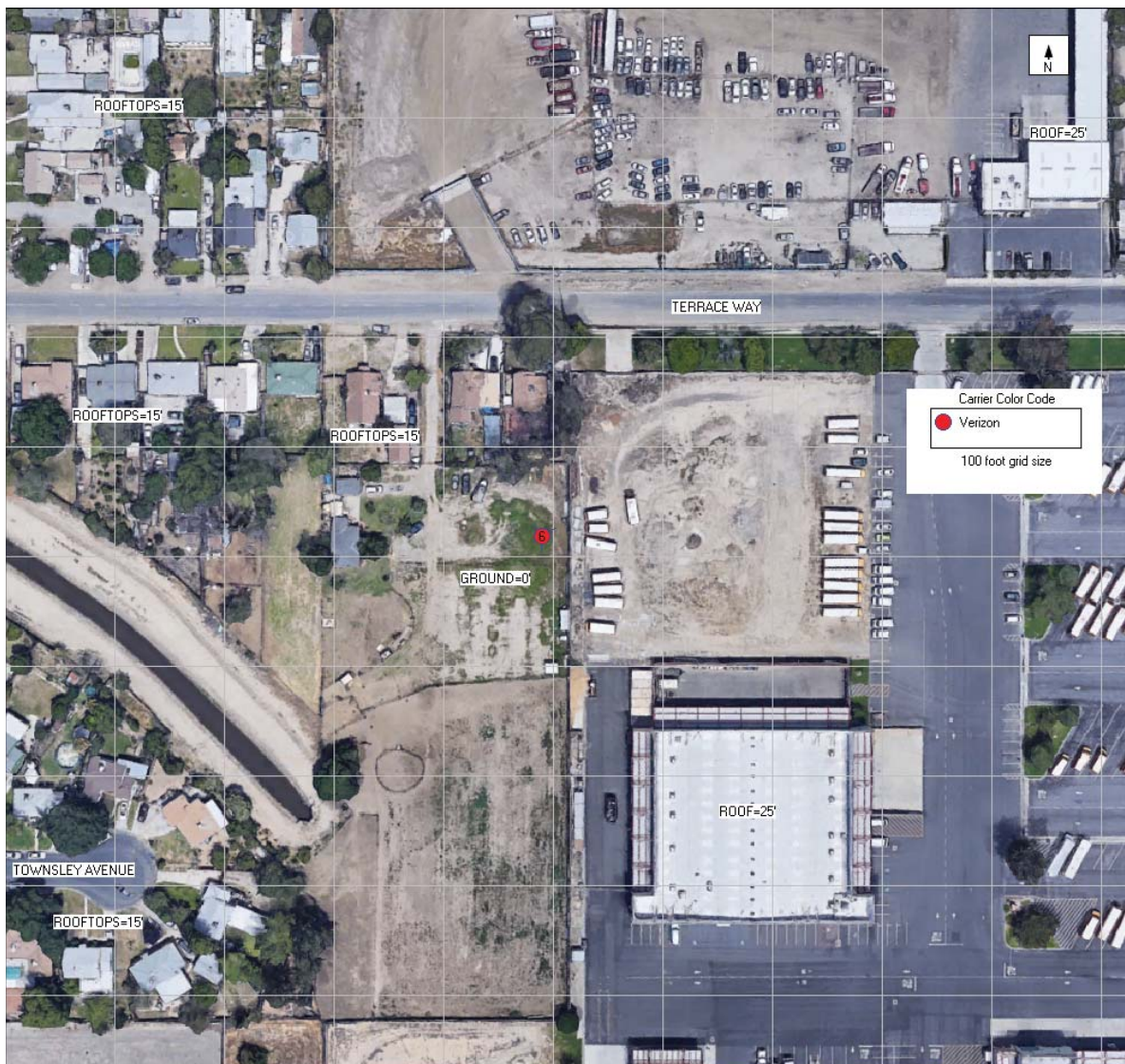


Figure 1: Antenna Locations

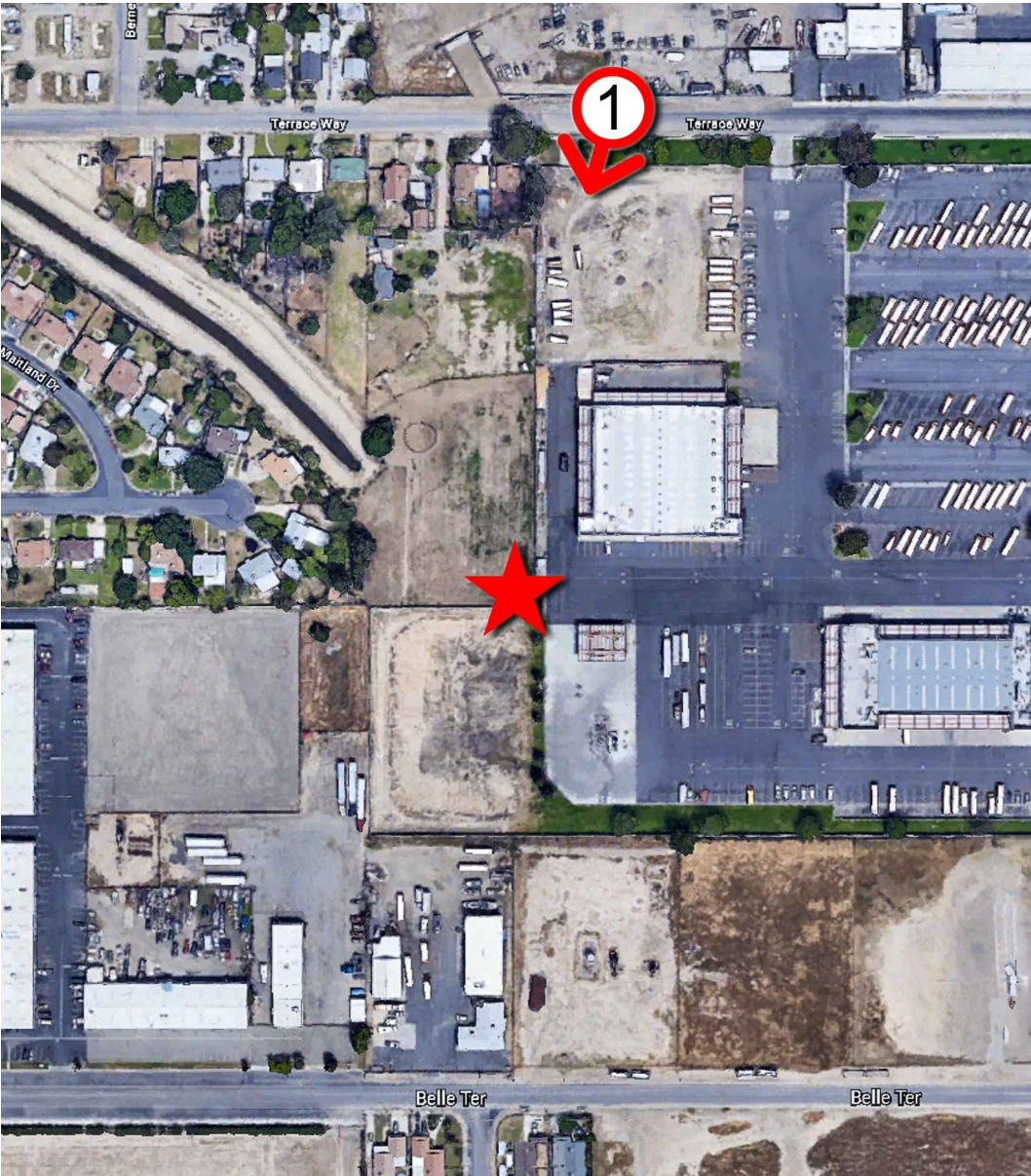
Power density decreases significantly with distance from any antenna. The panel-type antennas to be employed at this site are highly directional by design and the orientation in azimuth and mounting elevation, as documented, serves to reduce the potential to exceed MPE limits at any location other than directly in front of the antennas. For accessible areas at ground level, the maximum predicted power density level resulting from all Verizon Wireless operations is 10.129% of the FCC General Population limits. Incident at adjacent buildings depicted in Figure 1, the maximum predicted power density level resulting from all Verizon Wireless operations is 12.5767% of the FCC General Population limits. The proposed operation will not expose members of the General Public to hazardous levels of RF energy at ground level or in adjacent buildings. As predicted RF power densities will not exceed the FCC General Population limits, no mitigation action is needed to achieve or maintain compliance.

## Photo Sims

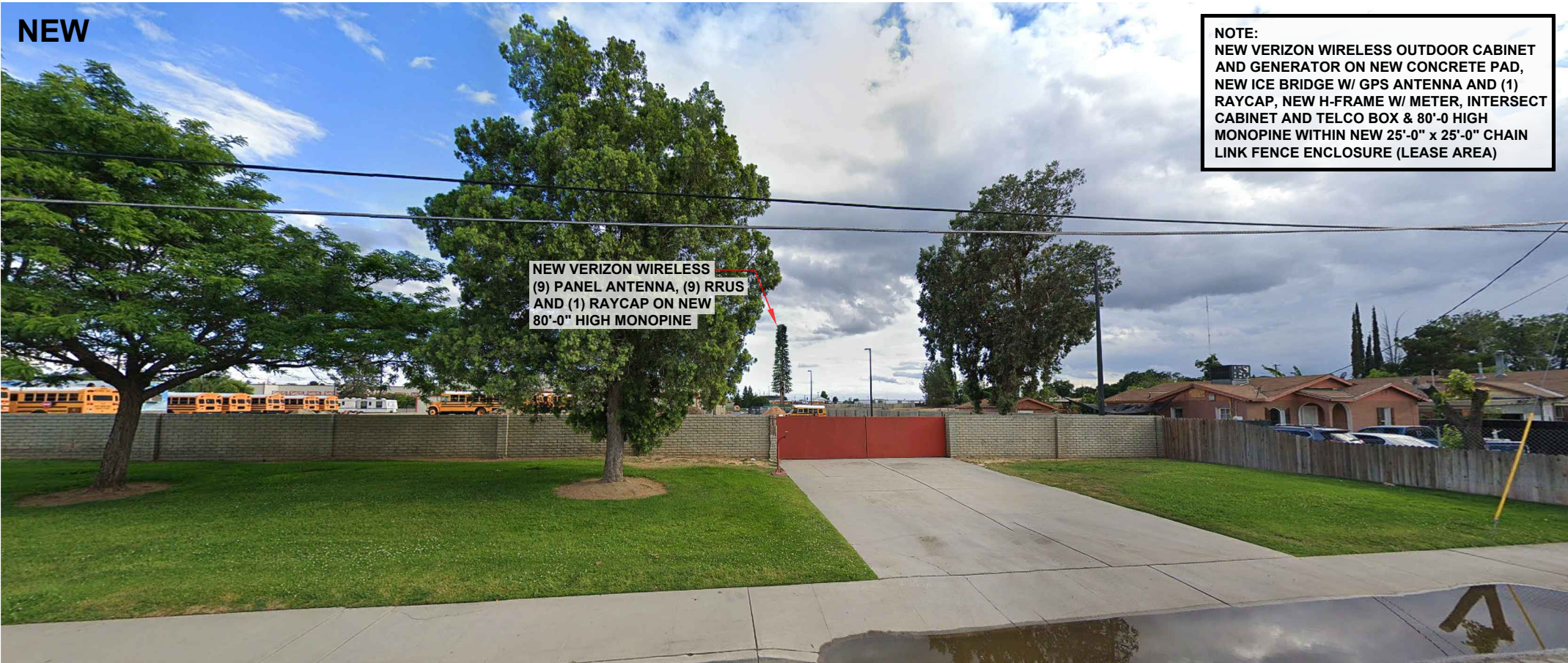


S UNION & MING  
PSL # 285394  
425 TERRACE WAY  
BAKERSFIELD, CA 93304

PHOTOSIMULATION VIEWPOINT 1



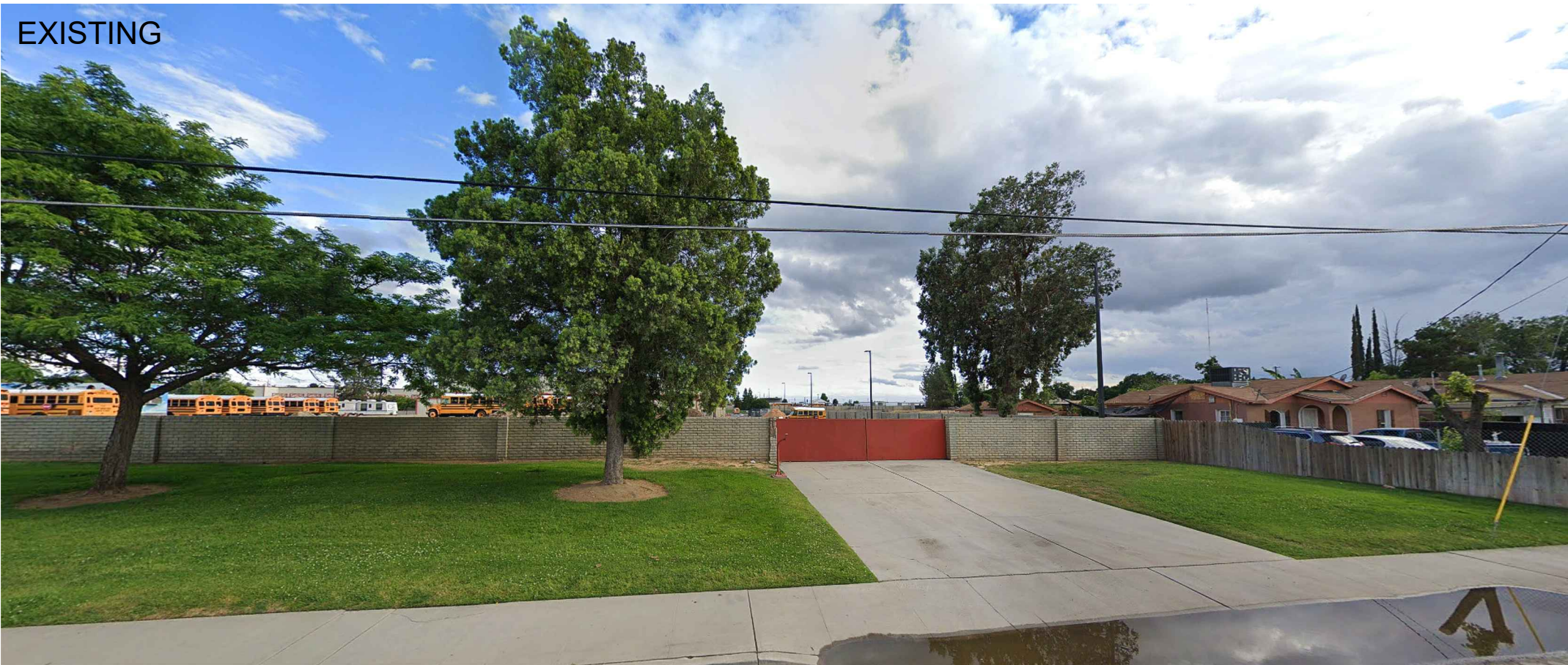
NEW



NOTE:  
NEW VERIZON WIRELESS OUTDOOR CABINET  
AND GENERATOR ON NEW CONCRETE PAD,  
NEW ICE BRIDGE W/ GPS ANTENNA AND (1)  
RAYCAP, NEW H-FRAME W/ METER, INTERSECT  
CABINET AND TELCO BOX & 80'-0" HIGH  
MONOPINE WITHIN NEW 25'-0" x 25'-0" CHAIN  
LINK FENCE ENCLOSURE (LEASE AREA)

NEW VERIZON WIRELESS  
(9) PANEL ANTENNA, (9) RRUS  
AND (1) RAYCAP ON NEW  
80'-0" HIGH MONOPINE

EXISTING

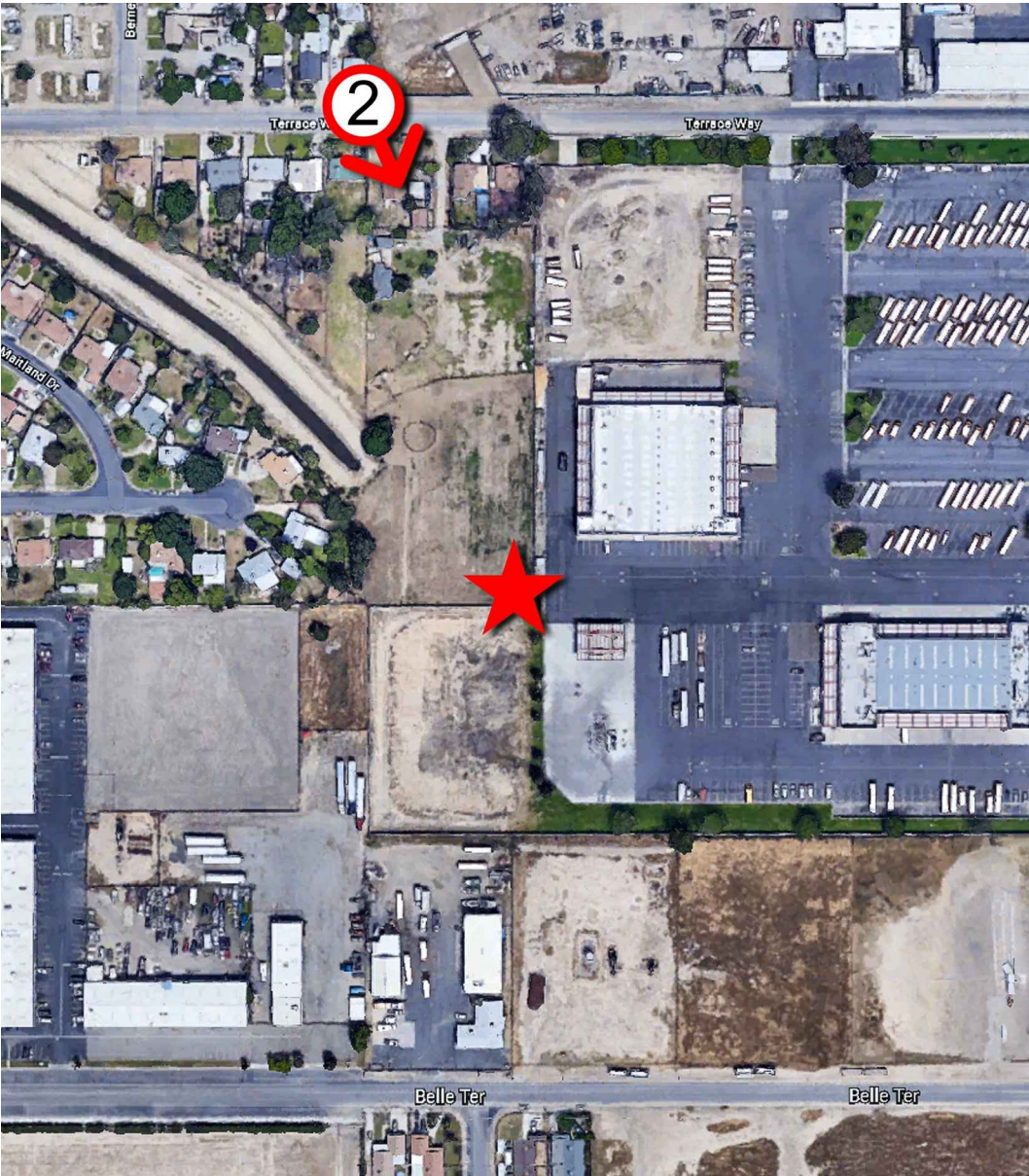


DISCLAIMER: THIS PHOTOSIMULATION IS INTENDED AS A GRAPHICAL REPRESENTATION OF EXISTING AND PROPOSED SITE CONDITIONS BASED ON THE PROJECT / DRAWING PLANS. IT IS NOT INTENDED FOR CONSTRUCTION. ACTUAL, FINAL CONSTRUCTION MAY VARY



S UNION & MING  
PSL # 285394  
425 TERRACE WAY  
BAKERSFIELD, CA 93304

PHOTOSIMULATION VIEWPOINT 2



NEW



NOTE:  
NEW VERIZON WIRELESS OUTDOOR CABINET  
AND GENERATOR ON NEW CONCRETE PAD,  
NEW ICE BRIDGE W/ GPS ANTENNA AND (1)  
RAYCAP, NEW H-FRAME W/ METER, INTERSECT  
CABINET AND TELCO BOX & 80'-0" HIGH  
MONOPINE WITHIN NEW 25'-0" x 25'-0" CHAIN  
LINK FENCE ENCLOSURE (LEASE AREA)

NEW VERIZON WIRELESS  
(9) PANEL ANTENNA, (9) RRUS  
AND (1) RAYCAP ON NEW  
80'-0" HIGH MONOPINE

EXISTING

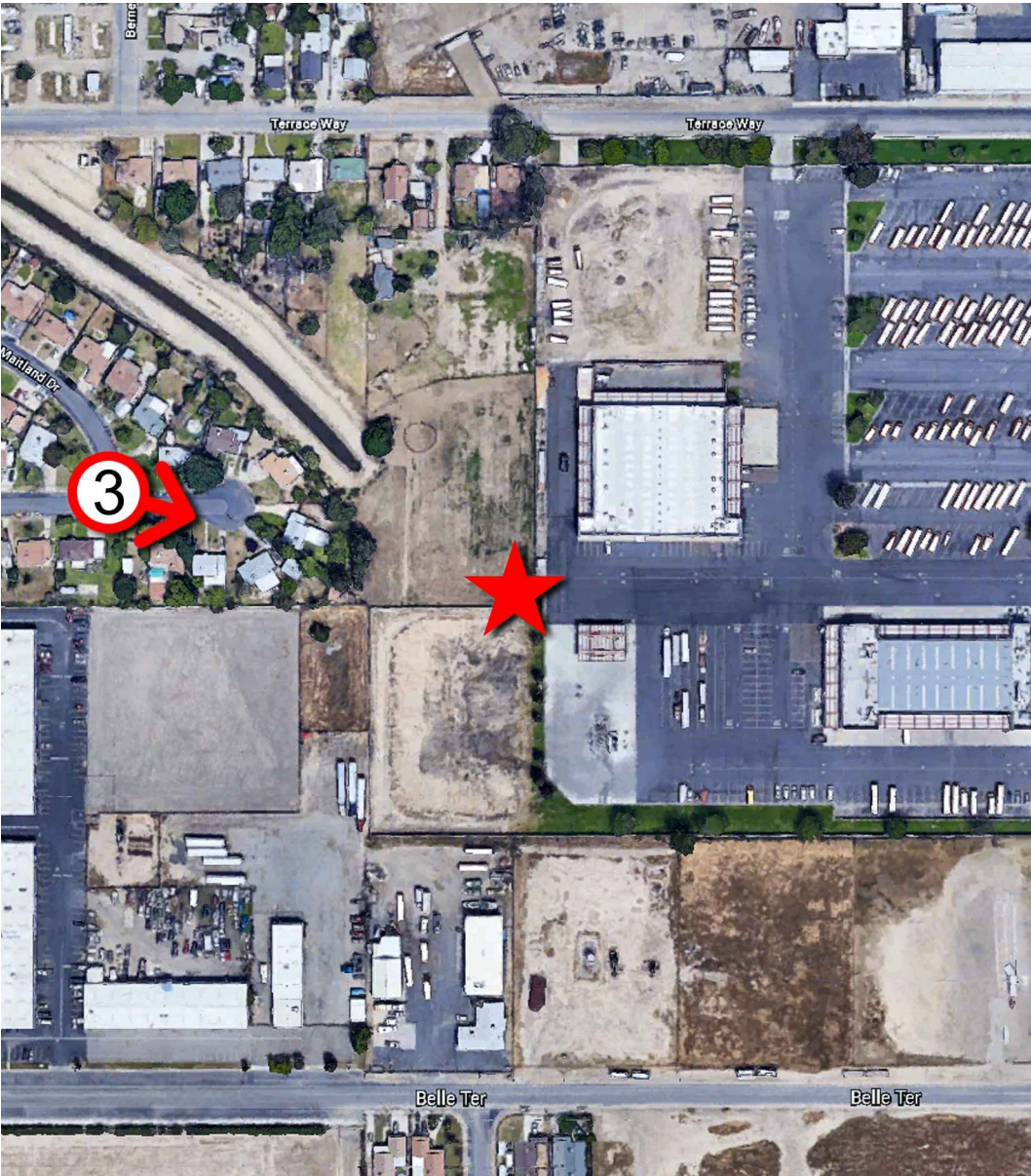


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S UNION & MING  
PSL # 285394  
425 TERRACE WAY  
BAKERSFIELD, CA 93304

PHOTOSIMULATION VIEWPOINT 3



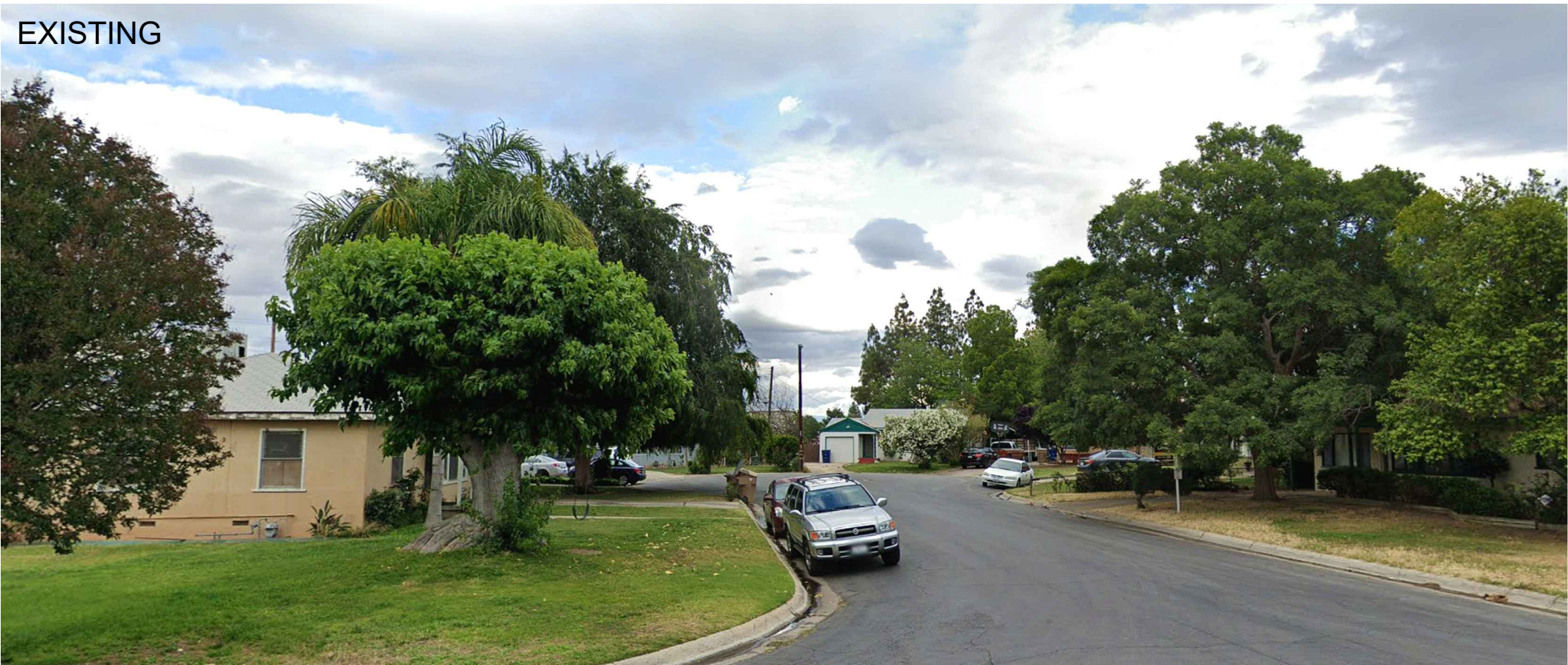
NEW



NOTE:  
NEW VERIZON WIRELESS OUTDOOR CABINET  
AND GENERATOR ON NEW CONCRETE PAD,  
NEW ICE BRIDGE W/ GPS ANTENNA AND (1)  
RAYCAP, NEW H-FRAME W/ METER, INTERSECT  
CABINET AND TELCO BOX & 80'-0" HIGH  
MONOPINE WITHIN NEW 25'-0" x 25'-0" CHAIN  
LINK FENCE ENCLOSURE (LEASE AREA)

NEW VERIZON WIRELESS  
(9) PANEL ANTENNA, (9) RRUS  
AND (1) RAYCAP ON NEW  
80'-0" HIGH MONOPINE

EXISTING



DISCLAIMER: THIS PHOTOSIMULATION IS INTENDED AS A GRAPHICAL REPRESENTATION OF EXISTING AND PROPOSED SITE CONDITIONS BASED ON THE PROJECT / DRAWING PLANS. IT IS NOT INTENDED FOR CONSTRUCTION. ACTUAL, FINAL CONSTRUCTION MAY VARY



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** October 8, 2019

**ITEM NUMBER:** Consent - Public  
Hearing4.(b.)

**TO:** Board of Zoning Adjustment

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**PLANNER:** Whitney Jackson

**DATE:**

**WARD:** 1

**SUBJECT:**

**Conditional Use Permit No. 19-0318:** Jamal Powell is proposing a conditional use permit to allow for the expansion of an existing church in the R-2 (Limited Multiple-Family Dwelling Zone) district, located at 700 South Haley Street. Notice of Exemption on file.

**APPLICANT:** Tim Grays, Sr.

**OWNER:** Same

**LOCATION:** 700 South Haley Street

---

**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description		Type
<input type="checkbox"/>	Staff Report	Staff Report
<input type="checkbox"/>	Resolution	Resolution

**CITY OF BAKERSFIELD  
PLANNING DEPARTMENT  
STAFF REPORT**

**TO:** Chair and Members of the Board of Zoning Adjustment

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**APPROVED** *KFC*

**DATE:** October 8, 2019

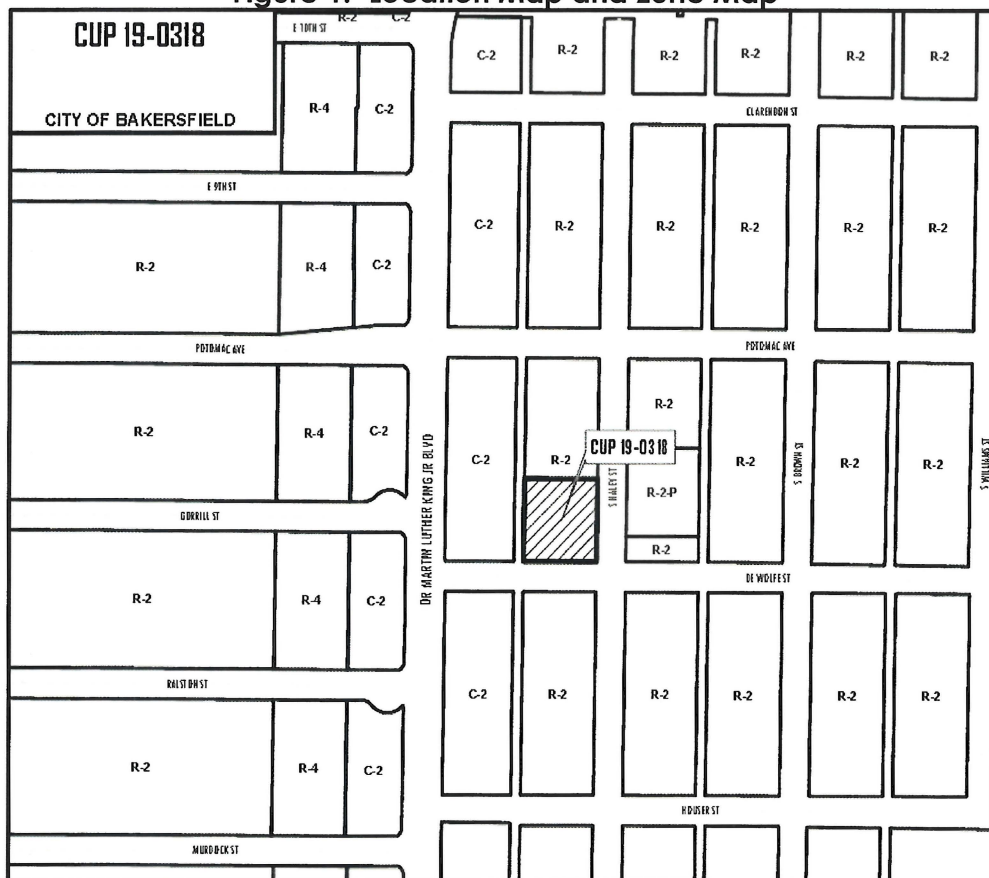
**SUBJECT:** Conditional Use Permit; File No. 19-0318 (Ward 1)

**APPLICANT:** Tim Grays, Sr.  
700 South Haley Street  
Bakersfield, CA 93307

**OWNER:** Same

**LOCATION:** 700 South Haley Street | APN: 019-111-22

**Figure 1. Location Map and Zone Map**



**RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0318, as depicted in the project description and subject to the listed conditions of approval.

## PROJECT SUMMARY:

The project is a request for a conditional use permit to allow for the expansion of an existing church in the R-2 (Limited Multiple-Family Dwelling Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial

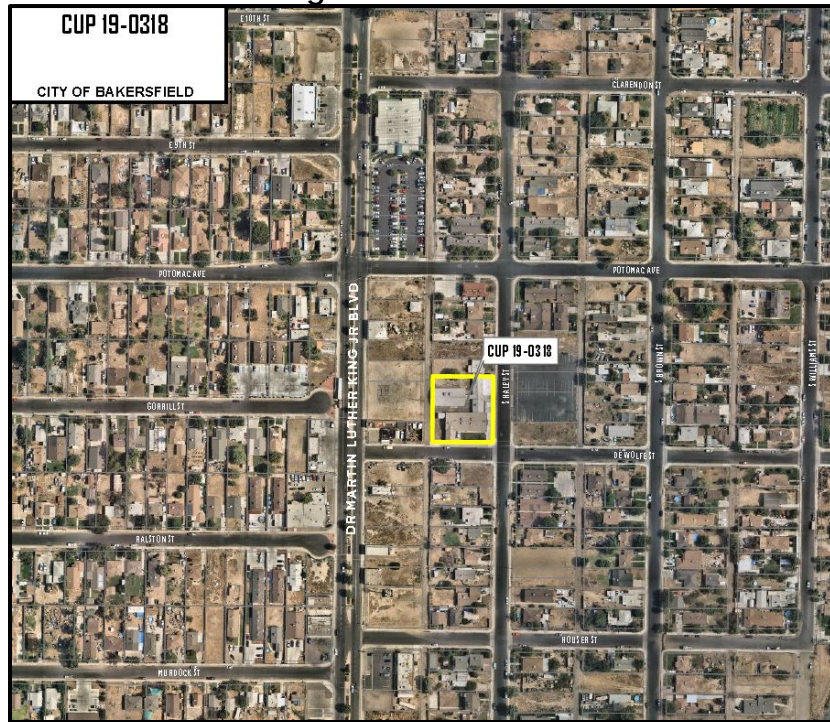
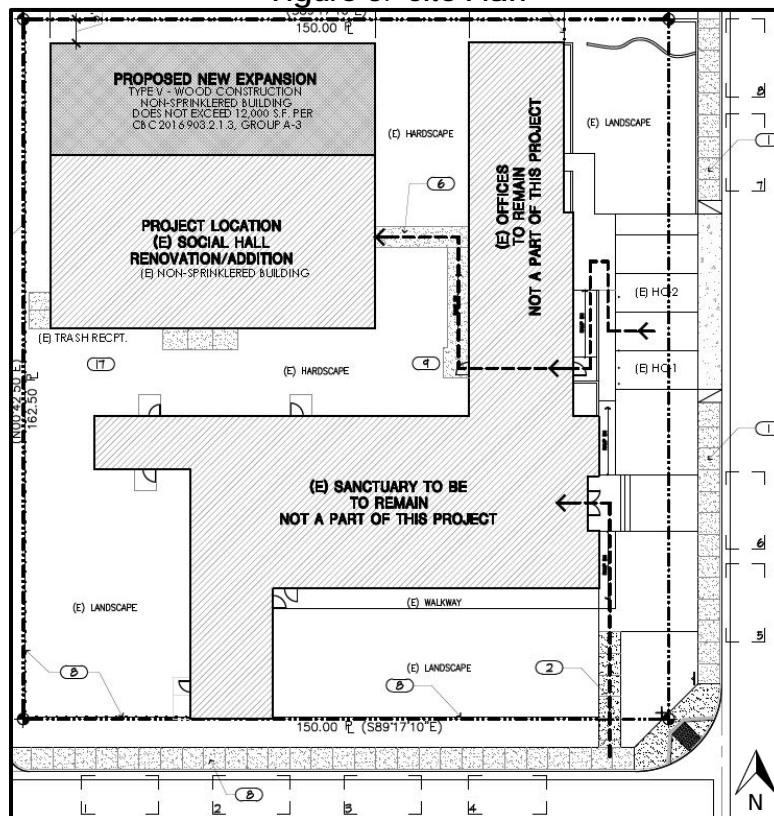


Figure 3. Site Plan



## SURROUNDING LAND USES:

The project site is developed with a church, consisting of 6,641 square foot sanctuary, 1,922 square foot office and 3,013 square foot reception hall on 1.41-acres. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	HMR	R-2	Church
North	HMR	R-2	Single-Family Residential
East	HMR	R-2 & R-2-P	Parking Lot & Undeveloped Land
South	HMR	R-2	Single-Family Residential & Undeveloped Land
West	GC	C-2	Convenience Store, Tire Shop, & Undeveloped Land
<b>General Plan Key</b> HMR: High Medium Density Residential GC: General Commercial		<b>Zone District Key</b> R-2: Limited Multiple-Family Dwelling P: Automobile Parking C-2: Regional Commercial	

## BACKGROUND:

**May 1954.** Planning Commission granted a variance (use permit) for the construction, operation and maintenance of a church in the Interim R-1 (One-Family Residential Zone) district (CUP No. 275, Resolution No. 97).

**January 1977.** Your Board approved a conditional use permit for the construction, operation and maintenance of a nurse addition to the existing church in the R-2 (Limited Multiple-Family Dwelling Zone) district (CUP No. 2768, Res. No. 13-74).

**June 1984.** Your Board approved a conditional use permit to allow a 3,000 square foot social hall structure to be added to the existing church complex in the R-2 zone district (CUP No. 4142).

**November 2012.** Your Board approved a conditional use permit and zoning modification to reduce the street side yard setback from 10 to 0 feet and the rear yard setback from 25 to 7 feet in order to expand an existing church in the R-2 zone district (CUP No. 12-0203, Res. No. 12-36).

## ANALYSIS:

Churches are a permitted use in the R-4 (High Density Multiple-Family Dwelling Zone) district, but require a conditional use permit in the other residential zone districts.

As proposed, the existing 3,000 square foot social hall will be expanded by 1,975 square feet, for a total building size of 4,975 square feet. The structure will be constructed in a manner that does not encroach into the five-foot side yard setback of the northern property line, or the five-foot rear yard setback on the western property line. Since the social hall will be used for church parishioners, parking requirements are determined by the number of seats in the church. The church contains 300 seats; therefore, 75 parking spaces are required and 78 spaces are provided.

Currently, the social hall is comprised of classrooms and a small open space for gatherings. The building addition/expansion of the gathering area will be used for fellowship activities occurring on Sundays, and occasionally during early evenings on Wednesdays.

#### **ENVIRONMENTAL REVIEW AND DETERMINATION:**

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15061(b)(3), because the project does not have the potential to cause a significant effect on the environment. A Notice of Exemption has been prepared.

#### **PUBLIC NOTIFICATION:**

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

#### **CONCLUSIONS:**

**Findings.** Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit shall be granted only when it is found that:

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and
2. The proposed use is in harmony with the various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such conditions as deemed appropriate or necessary to assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan and applicable specific plans and policies of the city or to protect the public health, safety, convenience, or welfare.

In accordance with these required findings, and as conditioned, Staff finds: (1) the proposed use would be desirable for the congregation by providing a larger social gathering space; (2) the church has been providing desirable services to the community for decades, and the expanded social hall will enable the church to continue to provide these services to its members and to residents of the surrounding neighborhood, and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**Recommendation.** Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0318, as depicted in the project description and subject to the listed conditions of approval.

**ATTACHMENTS:**

Draft Resolution with Exhibits

RESOLUTION NO. 19-\_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT  
APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE  
EXPANSION OF AN EXISTING CHURCH (17.64.020.B) IN THE R-2  
(LIMITED MULTIPLE-FAMILY DWELLING ZONE) DISTRICT, LOCATED AT  
700 SOUTH HALEY STREET. (CUP NO. 19-0318)**

**WHEREAS**, Jamal Powell filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow for the expansion of an existing church (17.64.020.B) in the R-2 (Limited Multiple-Family Dwelling Zone) district, located at 700 South Haley Street (the "Project"); and

**WHEREAS**, the Secretary of the Board of Zoning Adjustment set Tuesday, October 8, 2019, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

**WHEREAS**, at the public hearing (no testimony was received either in support or opposition of the Project) (testimony was received only in support/opposition/both in support and opposition of the Project); and

**WHEREAS**, the laws and regulations relating to the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Board of Zoning Adjustment; and

**WHEREAS**, the above described project is exempt from the requirements of CEQA in accordance with Section 15061(b)(3); and

**WHEREAS**, the City of Bakersfield Development Services Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

**WHEREAS**, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15061(b)(3) because the project does not have the potential to cause a significant effect on the environment.
3. The proposed use is essential and desirable to the public convenience and welfare.

4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Bakersfield Board of Zoning Adjustment as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 19-0318 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 8th day of October 2019, on a motion by Member \_\_\_\_\_ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

\_\_\_\_\_  
STUART PATTESON, CHAIR  
City of Bakersfield Board of Zoning Adjustment

Exhibits:     A.     Conditions of Approval  
                  B.     Location Map  
                  C.     Site Plan

Exhibit A  
(Conditions of Approval)

## EXHIBIT A

### CONDITIONS OF APPROVAL Conditional Use Permit No. 19-0318

**I. The applicant's rights granted by this approval are subject to the following provisions:**

- *The project shall be in accordance with all approved plans, conditions of approval, and other required permits and approvals. All construction shall comply with applicable building codes.*
- *All conditions imposed shall be diligently complied with at all times and all construction authorized or required shall be diligently prosecuted to completion before the premises shall be used for the purposes applied for under this approval.*
- *This approval will not be effective until ten (10) days after the date upon which it is granted by the BZA to allow for appeal to the City Council. Any permit or license for any approval granted shall not be issued until that effective date.*
- *This approval shall automatically be null and void two (2) years after the effective date unless the applicant or successor has actually commenced the rights granted, or if the rights granted are discontinued for a continuous period of one (1) year or more. This time can be extended for up to one (1) additional year by the approving body.*
- *The BZA may initiate revocation of the rights granted if there is good cause, including but not limited to, failure to comply with conditions of approval, complete construction or exercise the rights granted, or violation by the owner or tenant of any provision of the Bakersfield Municipal Code pertaining to the premises for which the approval was granted. The BZA may also consider adding or modifying conditions to ensure the use complies with the intent of City ordinances.*
- *Unless otherwise conditioned, this approval runs with the land and may continue under successive owners provided all the above mentioned provisions are satisfied.*

**II. The following conditions shall be satisfied as part of the approval of this project:**

1. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

2. This conditional use permit allows for the expansion of an existing church in the R-2 (Limited Multiple-Family Dwelling Zone) district located at 700 South Haley Street as depicted on attached Exhibits B and C.

**III. *The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.***

**A. DEVELOPMENT SERVICES – BUILDING (1715 Chester Avenue)  
(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

1. Show on the final building plan how and where water will be drained from the property.
2. Show on the final building plan pedestrian access from the public way and accessible parking. Private streets are not the public way.
3. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.
4. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.
5. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
6. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
7. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.
8. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

**B. DEVELOPMENT SERVICES – PLANNING (1715 Chester Avenue)**  
**(Staff contact - Whitney Jackson; 661-326-3673 or [WJackson@bakersfieldcity.us](mailto:WJackson@bakersfieldcity.us))**

1. The minimum parking required for this project has been computed based on use and shall be as follows:

<u>Proposed Use</u>	<u>Square Footage</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Existing Church	13,551 SF	1 Space/4 Seats (300 Seats)	75 Spaces
Expanded Social Hall	1,975 SF	No Additional Required	0 Spaces
			Required Parking: 75 Spaces

**(Note:** 78 parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. The developer shall include a copy of a final landscape plan with each set of the final building plans submitted to the Building Division. Building permits will not be issued until the Planning Division has approved the final landscape plan for consistency with approved site plans and minimum ordinance standards. **Please refer to the landscaping requirements in Chapter 17.61.** Landscape plans shall include, but are not limited to, data on: gallon/box size, spacing, species (reference approved parking lot tree list), ratio of deciduous vs. evergreen, shade calculations, ground cover calculations, etc.

**(Note 1:** At the time a final site inspection is conducted, it is expected that plants will match the species identified and be installed in the locations consistent with the approved landscape plan. Changes made without prior approval of the Planning staff may result in the removal and/or relocation of installed plant materials and delays in obtaining building occupancy.)

**(Note 2:** No mature landscaping shall be removed without prior approval by the Planning Director.)

**(Note 3:** Upon approval of the final landscape plan, a digital copy shall be submitted to the Planning staff contact listed above.)

3. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs.

**(Note:** Signs must comply with the Sign Ordinance; Chapter 17.60 of the Bakersfield Municipal Code. Review this Chapter as part of due diligence.)

4. Rooftop areas of commercial buildings (e.g., office, retail, restaurant, assembly, hotel, hospital, church, school), and industrial buildings adjacent to residentially zoned properties, shall be completely screened by parapets or other finished architectural features constructed to a height of the highest equipment, unfinished structural element or unfinished architectural feature of the building.
5. In the event a previously undocumented oil/gas well is uncovered or discovered on the project, the developer is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The developer is responsible for any remedial operations on the well required by DOGGR. The developer shall also be subject to provisions of BMC Section 15.66.080.B.

6. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).
7. Prior to receiving final building or site occupancy, you must contact the Planning Division (staff contact noted above) for final inspection and approval of the landscaping, parking lot, lighting and other related site improvements. Inspections will not be conducted until all required items have been installed. Any deviations from the approved plans without prior approval from the Planning Division may result in reconstruction and delays in obtaining a building or site occupancy.

**C. FIRE DEPARTMENT (2101 H Street)**

**(Staff contact - Ernie Medina; 661-326-3682 or EMedina@bakersfieldcity.us)**

1. Show on the final building plans the following items:
  - a. All fire hydrants, both offsite (nearest to site) and on-site. Include flow data on all hydrants. Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).

(Note: Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)
2. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

**D. WATER RESOURCES (1000 Buena Vista Road)**

**(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)**

As proposed, no applicable conditions at this time.

**E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)**

**(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)**

1. The developer shall construct standard accessible ramps at the {☒ northeast ☐ northwest ☐ southeast ☐ southwest} corner of the Alley and De Wolfe Street according to adopted city standards. These improvements shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.

3. Show on the final building plans all existing connection(s) to the public sewer system.
4. If a grading plan is required by the Building Division, building permits will not be issued until the grading plan is approved by **both** the Public Works Department and the Building Division.
5. All storm water generated on the project site, including the street frontage shall be retained onsite unless otherwise allowed by the Public Works Department (please contact the Public Works Department – Subdivisions at 661-326-3576).
6. Before any building or site can be occupied, the developer must reconstruct or repair substandard off-site street improvements that front the site to adopted city standards as directed by the City Engineer. Please call the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required.
7. A street permit from the Public Works Department shall be obtained before any work can be done within the public right-of-way (streets, alleys, easements). Please include a copy of this site plan review decision to the department at the time you apply for this permit.
8. A sewer connection fee shall be paid at the time a building permit is issued. We will base this fee at the rate in effect at the time a building permit is issued.
9. If the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a "Notice of Intent" (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 92-08- DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.
10. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
11. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Alerik Hoeh at 661-326-3576.

(**Note:** If already within a maintenance district, may need to update the maintenance district form.)

**F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)**  
**(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)**

1. Show the typical parking stall dimension on the final building plans (minimum stall size is 9 feet x 18 feet and shall be designed according to standards established by the Traffic Engineer).

2. The Bakersfield Municipal Code (Section 17.58.050.K.) prohibits vehicles from backing out of a parking space into a street. Please revise the parking design on the final building plans to eliminate these spaces.

**(Note:** This prohibition does not include single-family homes in residential zones, or multiple family units on local streets where the Traffic Engineer has determined that backing onto a street will not adversely affect traffic and is similar to a single family residential driveway use.)

**G. PUBLIC WORKS – SOLID WASTE (4101 Truxtun Avenue)**

**(Staff Contact - Jesus Carrera; 661-326-3114 or [jcarrera@bakersfieldcity.us](mailto:jcarrera@bakersfieldcity.us))**

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:

- Cart service -- 1 cubic yard/week or less 1 time per week
- Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
- Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 4, 3 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

- |  |   |
|--|---|
| <input type="checkbox"/> 6' deep x 8' wide (1 bin)   | <input type="checkbox"/> 8' deep x 15' wide (3 bins)                |
| <input type="checkbox"/> 8' deep x 10' wide (2 bins) | <input checked="" type="checkbox"/> 1 - 8' deep x 20' wide (4 bins) |

**(Note:** All measurements above are curb-to-curb dimensions inside the enclosure. If both refuse and recycling containers are to be combined in the same enclosure area, this area must be expanded in size to accommodate multiple containers/bins - contact the staff person above for the appropriate enclosure size.)

3. Examples of enclosure styles can be found on (Detail # ST-32).
4. Facilities that require infectious waste services shall obtain approval for separate infectious waste storage areas from the Kern County Health Department. In no instances shall the refuse bin area be used for infectious waste containment purposes.
5. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.
6. Revise the sites plan to make the trash enclosure accessible to the refuse truck. Move the enclosure towards the front of the site entrance.

**(Note:** City trucks may not drive down dead end corridors, nor back-up long distances.)

Exhibit B  
(Location Map)

# CUP 19-0318

CITY OF BAKERSFIELD



## LEGEND (ZONE DISTRICTS)

- R-1 One Family Dwelling  
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling  
4,500 sq.ft. min lot size
- E Estate  
10,000 sq.ft. min lot size
- R-S Residential Suburban  
24,000 sq.ft./dwelling unit
- R-S( ) Residential Suburban  
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling  
4,500 sq.ft. min lot size (single family)  
6,000 sq.ft. min lot size (multifamily)  
2,500 sq.ft. lot area/dwelling unit
- R-3 Multiple Family Dwelling  
6,000 sq.ft. min lot size  
1,250 sq.ft. lot area/dwelling unit
- R-4 High Density Multiple Family Dwelling  
6,000 sq.ft. min lot size  
600 sq.ft. lot area/dwelling unit
- R-H Residential Holding  
20 acre min lot size
- A Agriculture  
6,000 sq.ft. min lot size
- A-20A Agriculture  
20 acre min lot size
- PUD Planned Unit Development
- TT Travel Trailer Park
- MH Mobilehome
- C-O Professional and Administrative Office
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-C Commercial Center
- C-B Central Business
- PCD Planned Commercial Development
- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial
- P Automobile Parking
- RE Recreation
- Ch Church Overlay
- OS Open Space
- HOSP Hospital Overlay
- AD Architectural Design Overlay
- FP-P Floodplain Primary
- FP-S Floodplain Secondary
- AA Airport Approach
- DI Drilling Island
- PE Petroleum Extraction Combining
- SC Senior Citizen Overlay
- HD Hillside Development Combining
- WM- West Ming Specific Plan

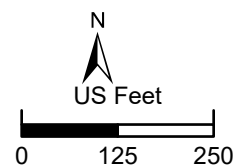


Exhibit C  
(Site Development Plan)

**SITE PLAN** 1" = 20'-0"



NORTH

KEYNOTES LISTED BELOW PERTAIN TO THE PLANS ON THIS SHEET ONLY.

## SITE ANALYSIS

TOTAL LAND GROSS AREA:	24,375 SQ. FT.
SEWAGE DISPOSAL:	CITY OF BAKERSFIELD
WATER SUPPLY:	CITY OF BAKERSFIELD
DRAINAGE:	CITY OF BAKERSFIELD

1. FOR (E) GRADES REFER TO TOPOGRAPHIC SURVEY SHEET TS-101

(E) EXISTING SPACES: [9'-0" x 18'-0"]	68
(E) OFFSTREET SPACES: [9'-0" x 18'-0"]	8
Total Spaces:	76
(E) HANDICAP PARKING:	
Automobile:	1
Van Accessible:	1
Total Handicap:	2

PARKING TOTALS:	
TOTAL PARKING REQUIRED: Ratio 1:4 (SEATING 300) /4 =	75
TOTAL PARKING PROVIDED:	76
TOTAL HANDICAP:	2
	<b>TOTAL 78</b>

**JAMAL D. POWELL B.Sc. - Owner  
SENIOR PROJECT DESIGNER**

EMAIL: JAMAL.POWELL06@GMAIL.COM  
PHONE: 661.333.3607  
FAX: 661.587.9668



The above drawings and specifications and ideas, design and arrangements represented thereby are and shall remain the property of the designer, and no part thereof shall be copied, disclosed to others or used in connection with any other or prior project, or any other project, or specific project for which they have been prepared and developed without the written consent of the designer. Visual contact with these drawings or specifications shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions on these drawings shall have precedence over related dimensions on contractors' shop drawings and be the controlling dimensions. Any variations on the job and this office must be notified of any variations from dimensions and conditions shown by these drawings. Shop details must be submitted to this office for approval before proceeding with fabrication.

Architect/Engineer

PLEASANT VIEW MISSIONARY BAPTIST  
CHURCH - SOCIAL HALL BLDG ADDITION

7700 S. Haley Street  
Bakersfield California 93306  
City of Bakersfield  
Owner: Tim Grays

ISSUED FOR SPR ONLY

DATE	REVISIONS	DESCRIPTION
6/16/19	ISSUED FOR SITE PLAN REVIEW	
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

DATE	6/16/19	SHEET NO.
DESIGNED BY	↓ POWELL	<b>AS-101</b>
DRAWN BY	↓ POWELL	
CHECKED BY	-	
-	-	
JOB NO.	015.2019	- OF - SHEETS
		DRAWING FILE: SOCIAL HALL ADDITION

PROJECT NAME  
SITE PLAN REVIEW SHEET



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** October 8, 2019

**ITEM NUMBER:** Consent - Public  
Hearing4.(c.)

**TO:** Board of Zoning Adjustment

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**PLANNER:** Whitney Jackson

**DATE:**

**WARD:** 2

**SUBJECT:**

**Conditional Use Permit No. 19-0328:** Inland Architects is proposing a conditional use permit to allow a 40-bed expansion at an existing shelter service agency in the M-1 (Light Manufacturing Zone) district, located at 800 East 21st Street. Notice of Exemption on file.

**APPLICANT:** Inland Architects

**OWNER:** The Mission at Kern County

**LOCATION:** 800 East 21st Street

---

**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description		Type
<input type="checkbox"/>	Staff Report	Staff Report
<input type="checkbox"/>	Resolution	Resolution



**RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0328, as depicted in the project description and subject to the listed conditions of approval.

## PROJECT SUMMARY:

The project is a request to allow a 40-bed expansion at an existing shelter service agency in the M-1 (Light Manufacturing Zone) district. See Figures 2 through 5.

Figure 2a. Site Aerial



Figure 2b. Site Aerial



Figure 3. Site Plan

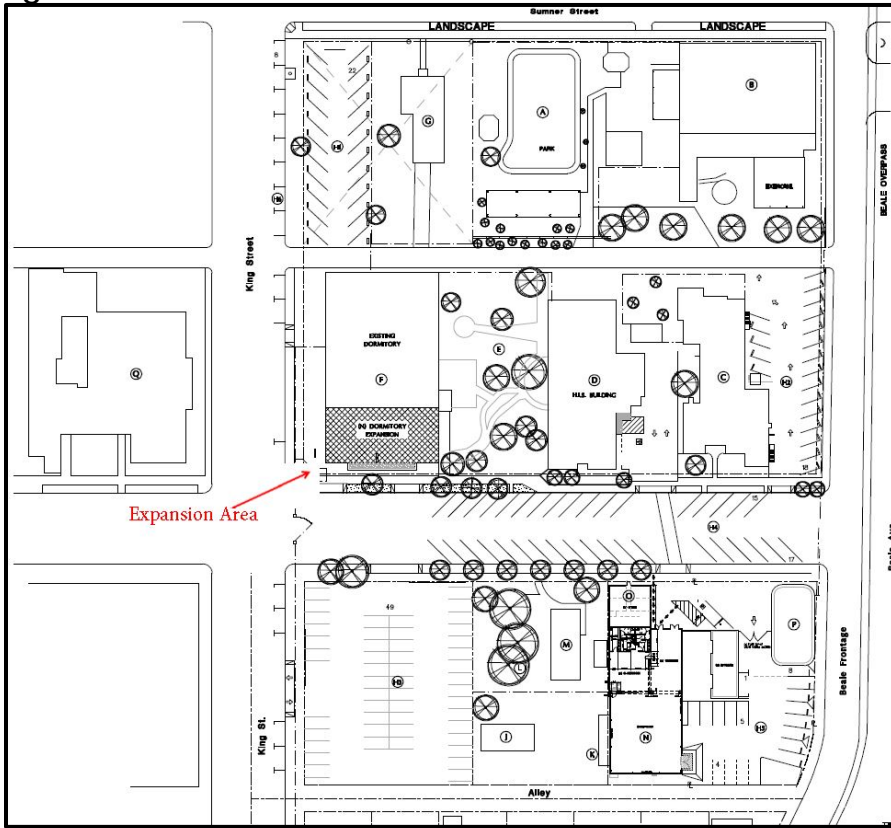


Figure 4. Floor Plan

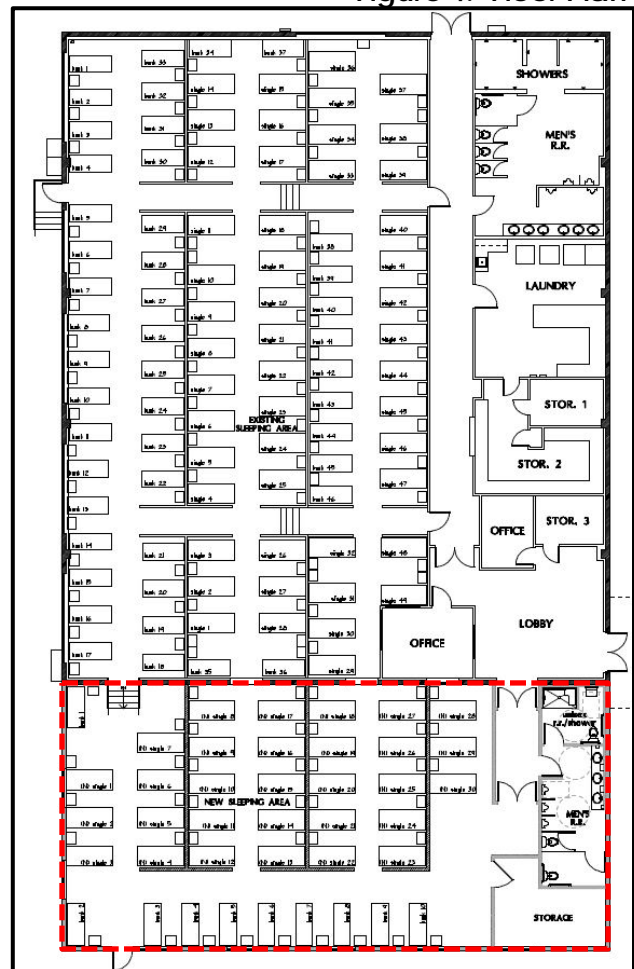


Figure 5. Sample Elevation & Sleeping Area



#### SURROUNDING LAND USES:

The project site is 4.75 acres and developed with ten buildings and three “community” parks comprising The Mission at Kern County (The Mission) complex. The site and surrounding property’s General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	LI	M-1	Shelter Service Agency (The Mission)
North	PT	M-1	Railroad Yard
East	SI	M-2	Automotive Repair and Warehouse
South	LI	M-1	Single- and Multiple-Family Residences
West	LI	M-1	The Mission Facilities & Church
<b>General Plan Key</b> LI: Light Industrial SI: Service Industrial PT: Public Transportation		<b>Zone District Key</b> M-1: Light Manufacturing M-2: General Manufacturing	

## BACKGROUND:

**October 1952** - The Bakersfield Rescue Mission was created by a small group of men from Bakersfield to provide food, clothing, shelter and an opportunity for rehabilitation for the people living on the streets. The ever growing demand for services made the non-profit organization relocate to a larger site where it remains today.

**March 14, 2000** - Your Board approved a conditional use permit to allow expansion to an existing homeless shelter. The expansion included the conversion of an 8,400 square foot building to accommodate 95 additional beds (CUP No. P00-0116; Resolution No. 00-10).

**December 9, 2003** - Your Board approved a conditional use permit to allow an expansion to an existing homeless shelter. This expansion included the conversion of an existing 9,200 square foot building to accommodate up to 60 beds and kitchen facilities. (CUP No. 03-1285; Resolution No. 03-24).

## ANALYSIS:

Food and/or shelter service agencies are a permitted use in the M-2 (General Manufacturing Zone) district, but require a conditional use permit in the M-1 (Light Manufacturing Zone) district. Any addition or modification to an existing shelter service agency requires review by your Board.

The Mission is the community's largest provider of emergency shelter services, providing comprehensive care to those experiencing homelessness. Each building on the premises serves homeless men, women, and children. The Mission offers three meals every day, provides access to hygienic services including showers and medical care, and offers a safe place to sleep.

As proposed, the existing 8,400 square foot "Lonnie Heath" building will be expanded by 3,430 square feet, for a total building size of 11,830 square feet. The expansion will allow the redistribution of beds throughout the campus and accommodate a total of 40 new beds. Bed distribution will be divided within the campus as follows:

	<u>Before</u>	<u>After</u>
Lonnie Heath building	141 beds	187 beds
Homeless Intervention Services (H.I.S.) building	58 beds	42 beds
Men's Faith-Based Addiction Recovery	59 beds	69 beds
Women's Faith-Based Addiction Recovery	19 beds	19 beds (2 for staff)
Women's Transitional Housing	6 beds	6 beds
Dining Hall	1 bed	1 bed (for staff)
<b>TOTAL</b>	<b>284 beds</b>	<b>324 beds</b>

The Mission recently purchased a 49-space parking lot to the south of the Lonnie Heath building. With the addition of the new lot, the campus will have a total of 154 parking spaces.

## COMMUNITY OUTREACH:

Staff notes that The Mission held two community outreach meetings to discuss their future expansion plans and the services offered. Various City Departments were invited to address questions that may arise regarding the City's efforts to address homelessness. The meetings were held on September 17th (7:30am - 9:00am) and September 24th (3:00pm - 4:30 pm). Of these meetings, no outside business owners or members of the community attended.

## ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15061(b)(3), because the project does not have the potential for causing a significant effect on the environment. A Notice of Exemption has been prepared.

## PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

## CONCLUSIONS:

**Findings.** Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit shall be granted only when it is found that:

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and
2. The proposed use is in harmony with the various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such conditions as deemed appropriate or necessary to assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan and applicable specific plans and policies of the city or to protect the public health, safety, convenience, or welfare.

In accordance with these required findings, and as conditioned, Staff finds: (1) the 40 additional beds are essential and desirable to the public convenience and welfare by providing more individuals in need a place to sleep and obtain services; and (2) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**Recommendation.** Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0328, as depicted in the project description and subject to the listed conditions of approval.

**ATTACHMENTS:**

Draft Resolution with Exhibits

RESOLUTION NO. 19-\_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT  
APPROVING A CONDITIONAL USE PERMIT TO ALLOW A 40-BED EXPANSION  
AT AN EXISTING SHELTER SERVICE AGENCY (17.28.030.H) IN THE M-1  
(LIGHT MANUFACTURING ZONE) DISTRICT, LOCATED AT 800 EAST 21ST  
STREET. (CUP NO. 19-0328)**

**WHEREAS**, Jamal Powell filed an application with the City of Bakersfield Development Services Department for a conditional use permit to allow a 40-bed expansion at an existing shelter service agency (17.28.030.H) in the M-1 (Light Manufacturing Zone) district, located at 800 East 21st Street (the "Project"); and

**WHEREAS**, the Secretary of the Board of Zoning Adjustment set Tuesday, October 8, 2019, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

**WHEREAS**, at the public hearing (no testimony was received either in support or opposition of the Project) (testimony was received only in support/opposition/both in support and opposition of the Project); and

**WHEREAS**, the laws and regulations relating to the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Board of Zoning Adjustment; and

**WHEREAS**, the above described project is exempt from the requirements of CEQA in accordance with Section 15061(b)(3); and

**WHEREAS**, the City of Bakersfield Development Services Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

**WHEREAS**, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15061(b)(3) because the project does not have the potential to cause a significant effect on the environment.
3. The proposed use is essential and desirable to the public convenience and welfare.

4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Bakersfield Board of Zoning Adjustment as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 19-0328 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 8th day of October 2019, on a motion by Member \_\_\_\_\_ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

\_\_\_\_\_  
STUART PATTESON, CHAIR  
City of Bakersfield Board of Zoning Adjustment

Exhibits:     A.     Conditions of Approval  
                  B.     Location Map  
                  C.     Site Plan

Exhibit A  
(Conditions of Approval)

## EXHIBIT A

### CONDITIONS OF APPROVAL Conditional Use Permit No. 19-0328

**I. The applicant's rights granted by this approval are subject to the following provisions:**

- *The project shall be in accordance with all approved plans, conditions of approval, and other required permits and approvals. All construction shall comply with applicable building codes.*
- *All conditions imposed shall be diligently complied with at all times and all construction authorized or required shall be diligently prosecuted to completion before the premises shall be used for the purposes applied for under this approval.*
- *This approval will not be effective until ten (10) days after the date upon which it is granted by the BZA to allow for appeal to the City Council. Any permit or license for any approval granted shall not be issued until that effective date.*
- *This approval shall automatically be null and void two (2) years after the effective date unless the applicant or successor has actually commenced the rights granted, or if the rights granted are discontinued for a continuous period of one (1) year or more. This time can be extended for up to one (1) additional year by the approving body.*
- *The BZA may initiate revocation of the rights granted if there is good cause, including but not limited to, failure to comply with conditions of approval, complete construction or exercise the rights granted, or violation by the owner or tenant of any provision of the Bakersfield Municipal Code pertaining to the premises for which the approval was granted. The BZA may also consider adding or modifying conditions to ensure the use complies with the intent of City ordinances.*
- *Unless otherwise conditioned, this approval runs with the land and may continue under successive owners provided all the above mentioned provisions are satisfied.*

**II. The following conditions shall be satisfied as part of the approval of this project:**

1. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

2. This conditional use permit allows for a 40-bed expansion of a shelter service agency in the M-1 (Light Manufacturing Zone) district located at 816 East 21st Street as depicted on attached Exhibits B and C.

**III. *The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.***

**A. DEVELOPMENT SERVICES – BUILDING (1715 Chester Avenue)  
(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

1. Show on the final building plan how and where water will be drained from the property.
2. Show on the final building plan pedestrian access from the public way and accessible parking. Private streets are not the public way.
3. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.
4. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.
5. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
6. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
7. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.
8. Show on the final building plan, electric vehicle supply equipment to facilitate future installation as required by the California Green Code.

**B. DEVELOPMENT SERVICES – PLANNING (1715 Chester Avenue)  
(Staff contact - Whitney Jackson; 661-326-3673 or [WJackson@bakersfieldcity.us](mailto:WJackson@bakersfieldcity.us))**

1. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.  
  
(**Note:** Fences taller than 6 feet are allowed in commercial and industrial zones but they will require a building permit.)
2. Areas used for outside storage shall be treated with a permanent dust binder or other permanent dust control measure consistent with the regulations of the San Joaquin Valley Air Pollution Control District.  
  
(**Note:** All passenger vehicle-parking areas must be paved.)
3. Refuse collection bin enclosures and container areas are subject to all required structural setback from street frontages, and shall not reduce any parking, loading or landscaping areas as required by the Zoning Ordinance.
4. In the event a previously undocumented oil/gas well is uncovered or discovered on the project, the developer is responsible to contact the Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR). The developer is responsible for any remedial operations on the well required by DOGGR. The developer shall also be subject to provisions of BMC Section 15.66.080.B.
5. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).
6. Prior to receiving final building or site occupancy, you must contact the Planning Division (staff contact noted above) for final inspection and approval of the landscaping, parking lot, lighting and other related site improvements. Inspections will not be conducted until all required items have been installed. Any deviations from the approved plans without prior approval from the Planning Division may result in reconstruction and delays in obtaining a building or site occupancy.

**C. FIRE DEPARTMENT (2101 H Street)  
(Staff contact - Ernie Medina; 661-326-3682 or [EMedina@bakersfieldcity.us](mailto:EMedina@bakersfieldcity.us))**

1. Show on the final building plans the following items:
  - a. All fire hydrants, both offsite (nearest to site) and on-site. *Include flow data on all hydrants.* Hydrants shall be in good working condition and are subject to testing for verification. Fire flow requirements must be met prior to construction commencing on the project site. Please provide two (2) sets of the water plans stamped by a licensed

Registered Civil Engineer to the Fire Department and two (2) sets to the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA. 93311; 661-326-3715).

(**Note:** Show: 1) distance to the nearest hydrant; and 2) distance from that hydrant to the farthest point of the project site.)

- b. All fire sprinkler and/or stand pipe systems, fire alarms and commercial hood systems. These suppression systems require review and permits by the Fire Department. The Fire Department will issue guidelines for these various items as they may apply to this project.
2. The developer must pay required fees to and request an inspection from the Water Resources Department (1000 Buena Vista Road, Bakersfield, CA, phone: 661-326-3715) for any underground sprinkler feeds at least 2 full business days before they are buried. The Prevention Services Division (2101 H Street, Bakersfield CA, Ph. 661/326-3979) must complete all on-site inspections of fire sprinkler systems and fire alarm systems before any building is occupied.
3. All projects must comply with the current California Fire Code and current City of Bakersfield Municipal Code.

**D. WATER RESOURCES (1000 Buena Vista Road)**  
**(Staff contact - Tylor Hester; 661-326-3715 or [THester@bakersfieldcity.us](mailto:THester@bakersfieldcity.us))**

As proposed, no conditions at this time.

**E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)**  
**(Staff contact – George Gillburg; 661-326-3997 or [GGillbur@bakersfieldcity.us](mailto:GGillbur@bakersfieldcity.us))**

1. The developer shall install new connection(s) to the public sewer system. This connection shall be shown on the final building plans submitted to the Building Division before any building permits will be issued.
2. Show on the final building plans all existing connection(s) to the public sewer system.
3. All storm water generated on the project site, including the street frontage shall be retained onsite unless otherwise allowed by the Public Works Department (please contact the Public Works Department – Subdivisions at 661-326-3576).
4. Before any building or site can be occupied, the developer must reconstruct or repair substandard off-site street improvements that front the site to adopted city standards as directed by the City Engineer. Please call the Construction Superintendent at 661-326-3049 to schedule a site inspection to find out what improvements may be required.
5. A sewer connection fee shall be paid at the time a building permit is issued. We will base this fee at the rate in effect at the time a building permit is issued.
6. If the project is subject to the provisions of the National Pollutant Discharge Elimination System (NPDES), a "Notice of Intent" (NOI) to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction Activity (WQ Order No. 92-08- DWQ) must be filed with the State Water Resources Control Board in Sacramento before the beginning of any construction activity. Compliance with the general permit required that a Storm Water Pollution Prevention Plan (SWPPP) be prepared, continuously carried out, and always be available for public inspection during normal construction hours.

7. Prior to the issuance of each building permit, or if no building permit is required, the first required City approval prior to construction, the developer/owner shall pay a Transportation Impact Fee (TIF) for regional facilities. This fee will be based on the rate in effect at the time the applicable approval is issued or in accordance with the Subdivision Map Act, as applicable. The Public Works Department will calculate an estimate of the total fee upon submittal of construction plans for the project.
8. The developer shall form a new Maintenance District. Undeveloped parcels within an existing Maintenance District are required to update Maintenance District documents. Updated documents, including Proposition 218 Ballot and Covenant, shall be signed and notarized. If there are questions, contact Alerik Hoeh at 661-326-3576.

(**Note:** If already within a maintenance district, may need to update the maintenance district form.)

**F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)**  
**(Staff contact – George Gillburg; 661-326-3997 or GGillbur@bakersfieldcity.us)**

As proposed, no conditions at this time.

**G. PUBLIC WORKS – SOLID WASTE (4101 Truxtun Avenue)**  
**(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)**

1. You must contact the staff person noted above before building permits can be issued or work begins on the property to establish the level and type of service necessary for the collection of refuse and/or recycled materials. Collection locations must provide enough containment area for the refuse that is generated without violating required zoning or setback restrictions (see Planning Division conditions). Levels of service are based on how often collection occurs as follows:

- Cart service -- 1 cubic yard/week or less 1 time per week
- Front loader bin services -- 1 cubic yard/week - 12 cubic yards/day
- Roll-off compactor service -- More than 12 cubic yards/day

2. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 4, 3 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

- |  |   |
|--|---|
| <input type="checkbox"/> 6' deep x 8' wide (1 bin)   | <input type="checkbox"/> 8' deep x 15' wide (3 bins)                |
| <input type="checkbox"/> 8' deep x 10' wide (2 bins) | <input checked="" type="checkbox"/> 1 - 8' deep x 20' wide (4 bins) |

(**Note:** All measurements above are curb-to-curb dimensions inside the enclosure. If both refuse and recycling containers are to be combined in the same enclosure area, this area must be expanded in size to accommodate multiple containers/bins - contact the staff person above for the appropriate enclosure size.)

3. Examples of enclosure styles can be found on (Detail # ST-32).

4. Facilities that require infectious waste services shall obtain approval for separate infectious waste storage areas from the Kern County Health Department. In no instances shall the refuse bin area be used for infectious waste containment purposes.
5. Facilities that require grease containment must provide a storage location that is separate from the refuse bin location. This shall be shown on the final building plans.
6. Residential properties with four (4) units or greater and are required to have ADA Accessible unit/s, must provide refuse/recycling enclosures that are ADA Accessible (Detail # ST-29).
7. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.
8. Revise the sites plan to make the trash enclosure accessible to the refuse truck. Move the enclosure towards the front of the site entrance.

(**Note:** City trucks may not drive down dead end corridors, nor back-up long distances.)

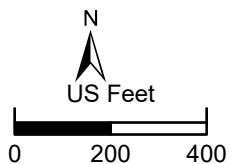
Exhibit B  
(Location Map)

CUP 19-0328

CITY OF BAKERSFIELD

**LEGEND  
(ZONE DISTRICTS)**

- R-1 One Family Dwelling  
6,000 sq.ft. min lot size
- R-1-4.5 One Family Dwelling  
4,500 sq.ft. min lot size
- E Estate  
10,000 sq.ft. min lot size
- R-S Residential Suburban  
24,000 sq.ft./dwelling unit
- R-S-1 Residential Suburban  
1, 2.5, 5 or 10 min lot size
- R-2 Limited Multiple Family Dwelling  
4,500 sq.ft. min lot size (single family)  
6,000 sq.ft. min lot size (multifamily)  
2,500 sq.ft. lot area/dwelling unit
- R-3 Multiple Family Dwelling  
6,000 sq.ft. min lot size  
1,250 sq.ft. lot area/dwelling unit
- R-4 High Density Multiple Family Dwelling  
6,000 sq.ft. min lot size  
600 sq.ft. lot area/dwelling unit
- R-H Residential Holding  
20 acre min lot size
- A Agriculture  
6,000 sq.ft. min lot size
- A-20A Agriculture  
20 acre min lot size
- PUD Planned Unit Development
- TT Travel Trailer Park
- MH Mobilehome
- C-O Professional and Administrative Office
- C-1 Neighborhood Commercial
- C-2 Regional Commercial
- C-C Commercial Center
- C-B Central Business
- PCD Planned Commercial Development
- M-1 Light Manufacturing
- M-2 General Manufacturing
- M-3 Heavy Industrial
- P Automobile Parking
- RE Recreation
- Ch Church Overlay
- OS Open Space
- HOSP Hospital Overlay
- AD Architectural Design Overlay
- FP-P Floodplain Primary
- FP-S Floodplain Secondary
- AA Airport Approach
- DI Drilling Island
- PE Petroleum Extraction Combining
- SC Senior Citizen Overlay
- HD Hillside Development Combining
- WM- West Wing Specific Plan



Document Name: BZA

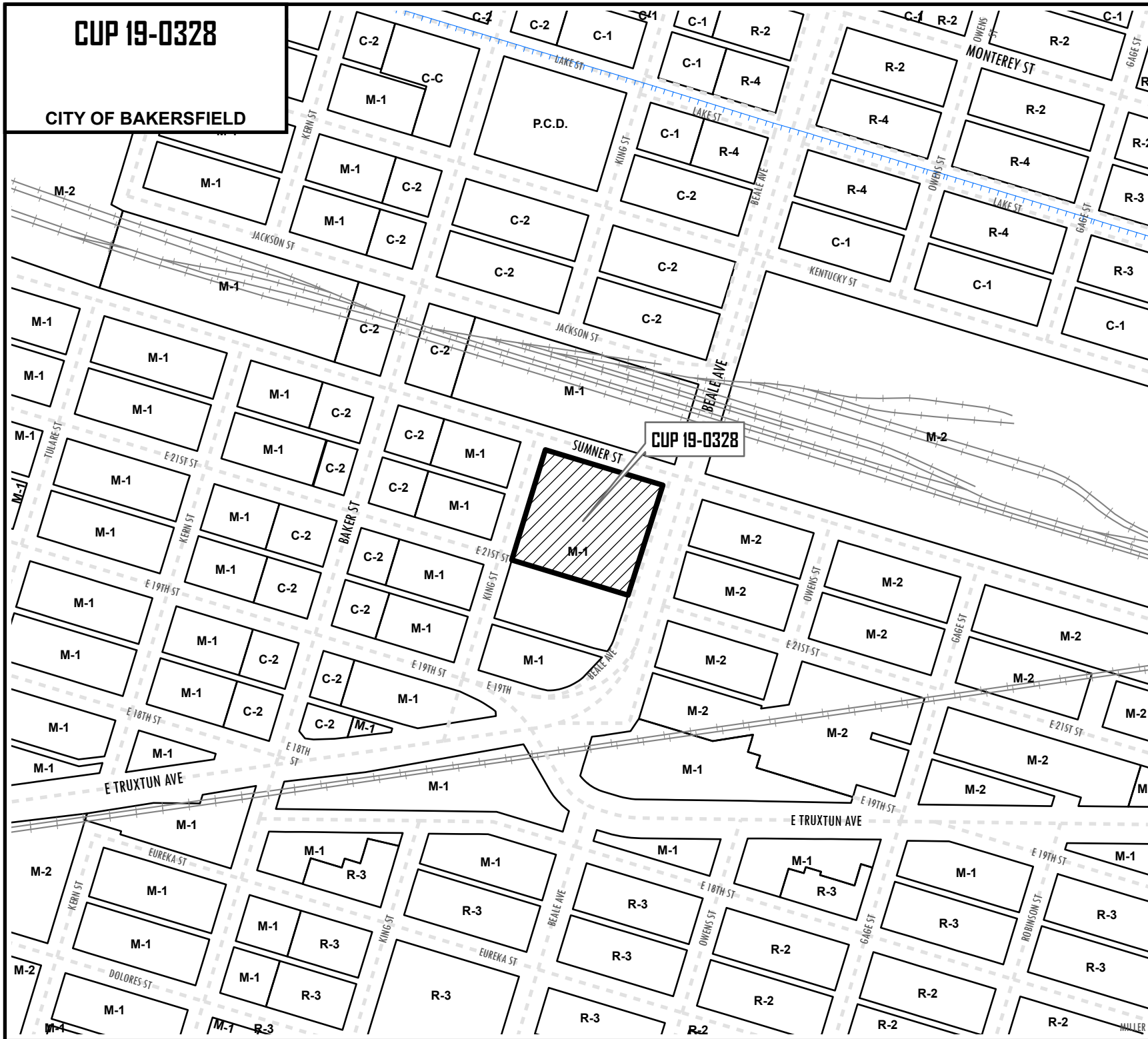


Exhibit C  
(Site Development Plan)



PROJECT LOT AREA'S.....	4.82 ACRES
ZONING.....	M-1
ADJACENT PARCEL NUMBER'S.....	.017-010-20 .017-140-20 .017-140-21 .017-140-19
MAX BUILDING HEIGHT.....	28'-0"
WATER.....	CALIFORNIA WATER SERVICE
WASTE.....	CITY SEWER
TRASH.....	MUNICIPAL TRASH SERVICE
PARKING PROVIDED.....	154 STALLS ON-CAMPUS

**A) FELLOWSHIP PARK**

- COMMUNITY GATHERING
- FAMILY VISITING
- OUTDOOR EVENTS

- MEN'S SOBER LIVING FACILITY
- BED COUNT INCREASED FROM 59 TO 69
- DINING ROOM (NO MEAL PREP)
- LENGTH OF STAY: 12-30 MONTHS

- WOMEN'S SOBER LIVING FACILITY
- 17 BEDS
- 2 BEDS IN ATTACHED STAFF APARTMENT
- LENGTH OF STAY: 12-30 MONTHS

- OVERNIGHT SHELTER
- DAY USE AREA
- BED COUNT REDUCED FROM 58 TO 42
- RESTROOMS
- LENGTH OF STAY: 1-30 NIGHTS

- CO-ED DURING THE DAY
- BASKETBALL COURT

- OVERNIGHT SHELTER
- BED COUNT INCREASED FROM 141 TO 187
- RESTROOMS, SHOWERS
- LENGTH OF STAY: 1-30 NIGHTS

- INDEPENDENT/SOBER LIVING
- 3 BEDROOMS, 6 BEDS
- NEXT STEP HOUSING

① H2 PARKING - 18 STALLS

- RECENTLY PURCHASED FROM PYRANEE'S
- TO BE STRIPED

**(H5) PARKING - 18 STALLS**

① COVERED STORAGE

① COMMUNITY PARK

④ CLOTHING DISTRIBUTION BU

- 8 AM - 6 PM, FIVE DAYS A WEEK

DEVELOPMENT OFFICE

## OUTREACH COORDINATION

DATA ENTRY, GRANT WRITING

- 900 MEALS PER DAY
- 110 SEATS
- BREAKFAST FROM 6:30-7:15 AM,
- LUNCH FROM 11:00-11:45 AM,
- DINNER FROM 5:00-5:45 PM
- KITCHEN OPENS AT 5AM, SHUT DOWN
- FROM 6 PM-9 PM
- DROP OFF DELIVERIES IN ALLEY
- 22 CLASSROOMS, 21 COMPUTER STATIONS
- INTERMITTENT EVENING CLASSES
- UNTIL 9 PM
- STAFF - SINGLE 1 BEDROOM APARTMENT (1 BED)
- CHAPEL



# THE MISSION AT KERN COUNTY DAY USE AND DORMITORY EXPANSION

**E 21 Street  
Bakersfield, California**

DATE	ISSUED FOR
7-16-19	CLIP
7-4-19	BED COUNT CORRECTIONS
	REVISIONS
1	
2	
3	
4	
5	
6	

**A-1**

b# 18058



# COVER SHEET

## PLANNING DEPARTMENT

### STAFF REPORT

**MEETING DATE:** October 8, 2019

**ITEM NUMBER:** Consent Calendar Public Hearings4.(d.)

**TO:** Board of Zoning Adjustment

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**PLANNER:** Whitney Jackson

**DATE:**

**WARD:** 2

**SUBJECT:**

**Conditional Use Permit No. 19-0332:** Skarphol/Frank Associates is proposing a conditional use permit to convert an existing office building to a vocational school in the C-O (Professional and Administrative Office Zone) district, located at 333 Palmer Drive. Notice of Exemption on file.

**APPLICANT:** Skarphol/Frank Associates

**OWNER:** Richard Ackerman

**LOCATION:** 333 Palmer Drive

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**STAFF RECOMMENDATION:**

Staff recommends approval.

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Resolution	Resolution

**CITY OF BAKERSFIELD  
PLANNING DEPARTMENT  
STAFF REPORT**

**TO:** Chair and Members of the Board of Zoning Adjustment

**FROM:** Kevin F. Coyle, AICP CEP, Planning Director

**APPROVED** *KFC*

**DATE:** October 8, 2019

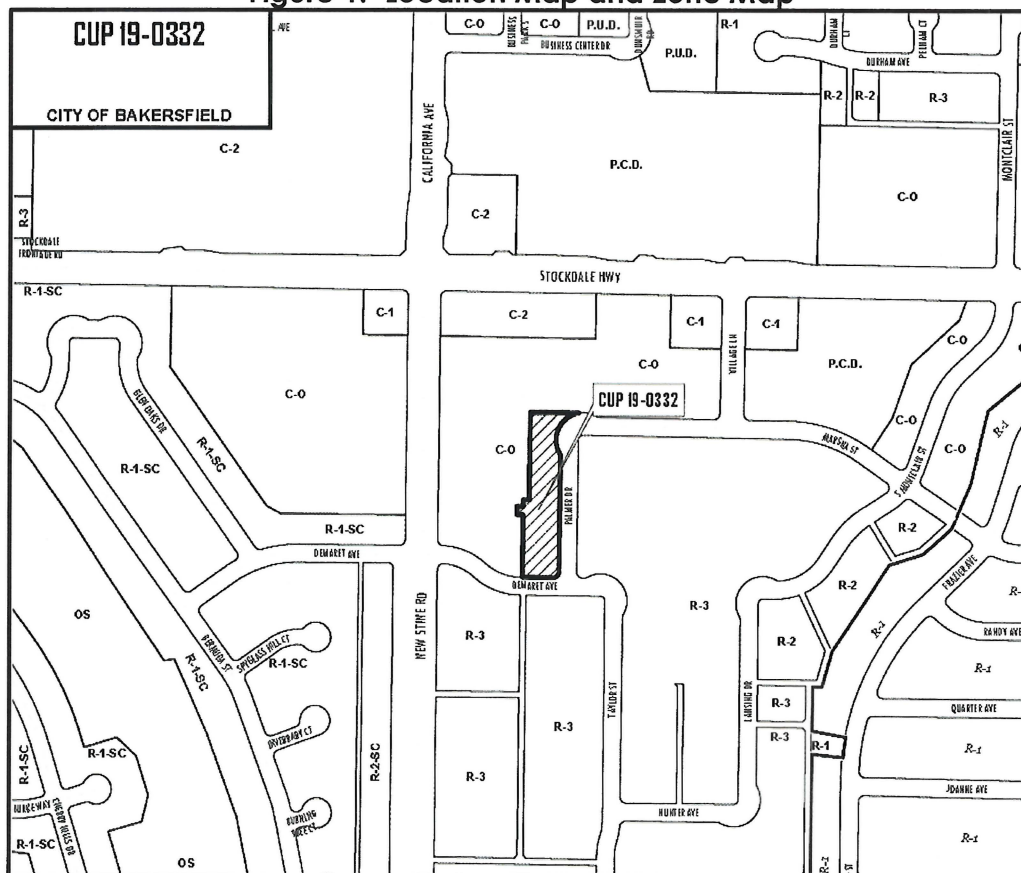
**SUBJECT:** Conditional Use Permit; File No. 19-0332 (Ward 2)

**APPLICANT:** Skarphol/Frank Associates  
925 17th Street  
Bakersfield, CA 93301

**OWNER:** Richard Ackerman  
5353 Octrom Avenue  
Encino, CA 91316

**LOCATION:** 333 Palmer Drive | APN: 194-450-30

**Figure 1. Location Map and Zone Map**



**RECOMMENDATION:** Adopt Resolution and suggested findings **APPROVING** Conditional Use Permit No. 19-0332, as depicted in the project description and subject to the listed conditions of approval.

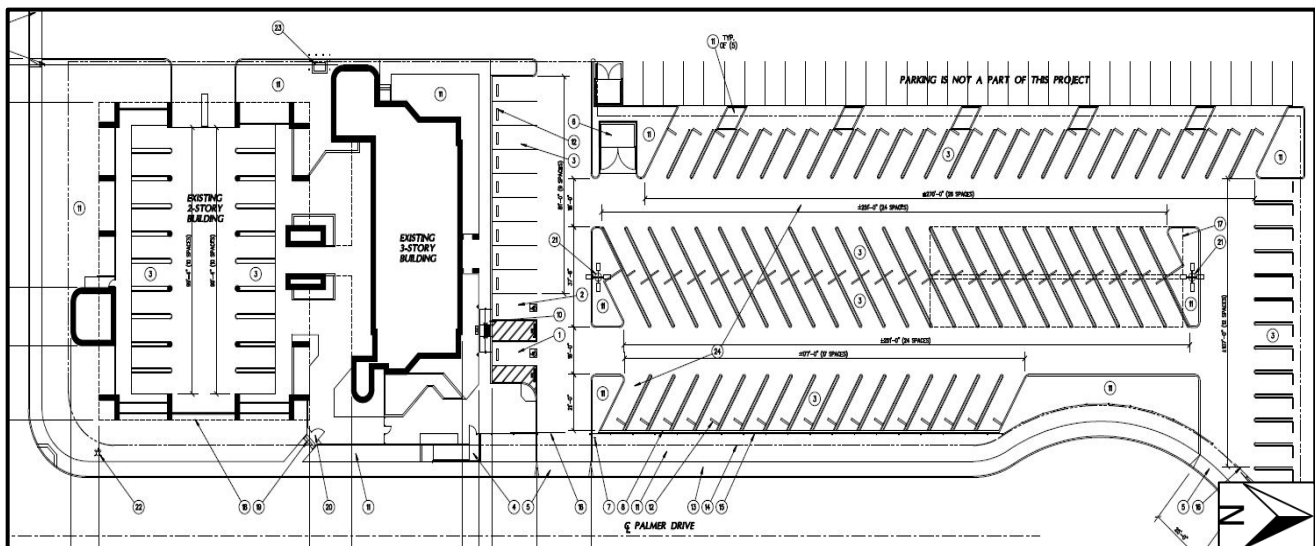
## PROJECT SUMMARY:

The project is a request for a conditional use permit to convert an existing office building to a vocational school in the C-O (Professional and Administrative Office Zone) district. See Figures 2 and 3.

Figure 2. Site Aerial



Figure 3. Site Plan



## SURROUNDING LAND USES:

The project site is developed with a two-story, 14,500 square foot office building connected by a breezeway to a three-story, 22,954 square foot building. The site and surrounding property's General Plan land use designation, zoning classification, and land use are specified in Table 1:

Table 1. Surrounding Land Uses			
LOCATION	GENERAL PLAN	ZONE DISTRICT	EXISTING LAND USE
Site	OC	C-O	Commercial Offices
North	OC	C-O	Commercial Offices
East	HR	R-3	Multiple-Family Residential
South	HR	R-3	Multiple-Family Residential
West	OC	C-O	Commercial Offices
<b>General Plan Key</b> OC: Office Commercial HR: High Density Residential		<b>Zone District Key</b> C-O: Professional and Administrative Office R-3: Multiple-Family Dwelling	

## ANALYSIS:

Trade, vocational, and specialized schools are permitted in the C-2 (Regional Commercial Zone) district, but require the approval of a conditional use permit in the C-O (Professional and Administrative Office Zone) and C-1 (Neighborhood Commercial Zone) districts.

The proposed hours of operation for the nursing school and class sessions are from 8:00 a.m. to 5:00 p.m. Classes are planned to be conducted Monday through Friday; however, no restrictions with respect to weekend classes are recommended by Staff in case this becomes desirable at some point in the future.

The minimum parking requirement for a vocational school is one space per employee and one space per four students based upon the maximum number on the premises at any given time. The largest number of persons on the premises at any given time is anticipated to be 30 faculty members (30 parking spaces) and 200 students (50 parking spaces). Additionally, the applicant also maintains sufficient parking for 6,798 square feet of office space (27 parking spaces). The property contains a 134-space parking lot where 107 parking spaces are required.

Proposed site improvements consist of interior modifications; no exterior changes are proposed except for signage. Therefore, the development essentially remains unchanged.

The operation of vocational schools within commercial office buildings and complexes is common throughout the City of Bakersfield, both as by-right uses and under conditional use permits. Vocational schools have proven to be compatible with adjoining and neighboring commercial offices uses and within proximity to residential development.

As reflected in the matrix above, residential development exists to the east and south of the subject property, separated by local streets. To minimize conflicts between vocational school operations and neighboring residents, Staff is recommending a condition of approval prohibiting the scheduling of any classes which begin prior to 8:00 a.m. or end after 10:00 p.m. and prohibit organized student events or activities outside the hours of 8:00 a.m. to 10:00 p.m.

## ENVIRONMENTAL REVIEW AND DETERMINATION:

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures in accordance with Section 15301, *Existing Facilities*. This exemption includes Class 1 projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Examples include but are not limited to interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. A Notice of Exemption has been prepared.

## PUBLIC NOTIFICATION:

Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian* and posted on the bulletin board in the City of Bakersfield Development Services Building, 1715 Chester Avenue, Bakersfield, California. All property owners within 300 feet of the project site were notified by United States mail regarding this public hearing in accordance with city ordinance and state law. As of this writing, no written comments have been received.

## CONCLUSIONS:

**Findings.** Section 17.64.060.C contains specific findings that must be made in order for your Board to approve the requested conditional use permit. Specifically, the section states that a conditional use permit shall be granted only when it is found that:

1. The proposed use is deemed essential or desirable to the public convenience or welfare; and
2. The proposed use is in harmony with the various elements and objectives of the general plan and applicable specific plans.

Section 17.64.060.D also states that a conditional use permit may be subject to such conditions as deemed appropriate or necessary to assure compliance with the intent and purpose of the zoning regulations and the various elements and objectives of the general plan and applicable specific plans and policies of the city or to protect the public health, safety, convenience, or welfare.

In accordance with these required findings, and as conditioned, Staff finds: (1) the site is appropriate for a vocational school due to its size and location; (2) it would provide for the growing need of highly skilled training for the medical field; and (3) the project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**Recommendation.** Based on the foregoing, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends your Board adopt Resolution and suggested findings approving Conditional Use Permit No. 19-0332, as depicted in the project description and subject to the listed conditions of approval.

**ATTACHMENTS:**

Draft Resolution with Exhibits

RESOLUTION NO. 19-\_\_\_\_\_

**RESOLUTION OF THE BAKERSFIELD BOARD OF ZONING ADJUSTMENT  
APPROVING A CONDITIONAL USE PERMIT TO CONVERT AN EXISTING  
OFFICE BUILDING TO A VOCATIONAL SCHOOL (17.20.040.B.7) IN THE C-O  
(PROFESSIONAL AND ADMINISTRATIVE OFFICE ZONE) DISTRICT, LOCATED  
AT 333 PALMER DRIVE. (CUP NO. 19-0332)**

**WHEREAS**, Skarphol/Frank Associates filed an application with the City of Bakersfield Development Services Department for a conditional use permit to convert an existing office building to a vocational school (17.20.040.B.7) in the C-O (Professional and Administrative Office Zone) district, located at 333 Palmer Drive (the "Project"); and

**WHEREAS**, the Secretary of the Board of Zoning Adjustment set Tuesday, October 8, 2019, at 3:00 p.m. in City Council Chambers, City Hall South, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Board of Zoning Adjustment to consider the proposed conditional use permit, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

**WHEREAS**, at the public hearing (no testimony was received either in support or opposition of the Project) (testimony was received only in support/opposition/both in support and opposition of the Project); and

**WHEREAS**, the laws and regulations relating to the California Environmental Quality Act (CEQA) and the City of Bakersfield's CEQA Implementation Procedures have been duly followed by city staff and the Board of Zoning Adjustment; and

**WHEREAS**, the above described project is exempt from the requirements of CEQA in accordance with Section 15301; and

**WHEREAS**, the City of Bakersfield Development Services Department (1715 Chester Avenue, Bakersfield, California) is the custodian of all documents and other materials upon which the environmental determination is based; and

**WHEREAS**, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in *The Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.
2. The provisions of CEQA, the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is a project that is exempt from CEQA pursuant to Section 15301 because the project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

3. The proposed use is essential and desirable to the public convenience and welfare.
4. The proposed use is in harmony with the various elements and objectives of the Metropolitan Bakersfield General Plan.
5. The project would result in a development that is consistent with the intent of both the Metropolitan Bakersfield General Plan and the Bakersfield Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Bakersfield Board of Zoning Adjustment as follows:

1. The above recitals, incorporated herein, are true and correct.
2. This project is exempt from the requirements of CEQA.
3. Conditional Use Permit No. 19-0332 as described in this resolution, is hereby approved subject to the conditions of approval in Exhibit A and as shown in Exhibits B and C.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the Board of Zoning Adjustment of the City of Bakersfield at a regular meeting held on the 8th day of October 2019, on a motion by Member \_\_\_\_\_ by the following vote:

AYES:

NOES:

RECUSE:

ABSTAIN

ABSENT:

APPROVED

\_\_\_\_\_  
STUART PATTESON, CHAIR  
City of Bakersfield Board of Zoning Adjustment

Exhibits:   A.    Conditions of Approval  
              B.    Location Map  
              C.    Site Plan

Exhibit A  
(Conditions of Approval)

## EXHIBIT A

### CONDITIONS OF APPROVAL Conditional Use Permit No. 19-0332

**I. The applicant's rights granted by this approval are subject to the following provisions:**

- *The project shall be in accordance with all approved plans, conditions of approval, and other required permits and approvals. All construction shall comply with applicable building codes.*
- *All conditions imposed shall be diligently complied with at all times and all construction authorized or required shall be diligently prosecuted to completion before the premises shall be used for the purposes applied for under this approval.*
- *This approval will not be effective until ten (10) days after the date upon which it is granted by the BZA to allow for appeal to the City Council. Any permit or license for any approval granted shall not be issued until that effective date.*
- *This approval shall automatically be null and void two (2) years after the effective date unless the applicant or successor has actually commenced the rights granted, or if the rights granted are discontinued for a continuous period of one (1) year or more. This time can be extended for up to one (1) additional year by the approving body.*
- *The BZA may initiate revocation of the rights granted if there is good cause, including but not limited to, failure to comply with conditions of approval, complete construction or exercise the rights granted, or violation by the owner or tenant of any provision of the Bakersfield Municipal Code pertaining to the premises for which the approval was granted. The BZA may also consider adding or modifying conditions to ensure the use complies with the intent of City ordinances.*
- *Unless otherwise conditioned, this approval runs with the land and may continue under successive owners provided all the above mentioned provisions are satisfied.*

**II. The following conditions shall be satisfied as part of the approval of this project:**

1. In consideration by the City of Bakersfield for land use entitlements, including but not limited to related environmental approvals related to or arising from this project, the applicant, and/or property owner and/or subdivider ("Applicant" herein) agrees to indemnify, defend, and hold harmless the City of Bakersfield, its officers, agents, employees, departments, commissioners and boards ("City" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the terms and provisions of this application, including without limitation any CEQA approval or any related development approvals or conditions whether imposed by the City, or not, except for CITY's sole active negligence or willful misconduct.

This indemnification condition does not prevent the Applicant from challenging any decision by the City related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

The City will promptly notify Applicant of any such claim, action or proceeding, falling under this condition within thirty (30) days of actually receiving such claim. The City, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend the City at the sole cost and expense of the Applicant and the City is not obligated to use any law firm or attorney chosen by another entity or party.

2. This conditional use permit allows for the conversion of an existing office building to a vocational school in the C-O (Professional and Administrative Office Zone) district located at 333 Palmer Drive as depicted on attached Exhibits B and C.
3. During operations as allowed by this conditional use permit, the project proponent shall not schedule any classes to begin before 8:00am or end after 10:00pm. Organized student events and/or activities shall not occur on-site between the hours of 10:00pm and 8:00am.

**III. *The following are specific items that you need to resolve before you can obtain a building permit or be allowed occupancy. These items include conditions and/or mitigation required by previous site entitlement approvals (these will be specifically noted), changes or additions that need to be shown on the final building plans, alert you to specific fees, and other conditions for your project to satisfy the City's development standards. The item will usually need to be shown on the final building plans or completed before a building permit is issued. Each has been grouped by department so that you know whom to contact if you have questions.***

**A. DEVELOPMENT SERVICES – BUILDING (1715 Chester Avenue)  
(Staff contact - Oscar Fuentes; 661-326-3676 or OFuentes@bakersfieldcity.us)**

1. Show on the final building plan pedestrian access from the public way and accessible parking. Private streets are not the public way.
2. The developer shall include fire resistive wall construction details with the final building plans for all exterior walls of any building that is within the distance as set forth in Table 602 of the California Building Code.
3. Include with or show on the final building plans information necessary to verify that the project complies with all accessibility requirements of Title 24 of the California Building Code.
4. Buildings or structures shall require installation of an automatic fire sprinkler system where required by current California Building Code and City ordinance.
5. The Building Division will calculate and collect the appropriate school district impact fee at the time they issue a building permit.
6. Final Building plans shall show pedestrian access pathways or easements for persons with disabilities from public rights-of-ways that connect to all accessible buildings, facilities, elements, and spaces in accordance with the California Building Code. These pedestrian access ways shall not be parallel to vehicular lanes unless separated by curbs or railings.

**B. DEVELOPMENT SERVICES – PLANNING (1715 Chester Avenue)**  
**(Staff contact - Whitney Jackson; 661-326-3673 or WJackson@bakersfieldcity.us)**

1. The minimum parking required for this project has been computed based on use and shall be as follows:

<u>Proposed Use</u>	<u>Number of People</u>	<u>Parking Ratio</u>	<u>Required Parking</u>
Faculty	30 Employees	1 Space/1 Employee	30 Spaces
Students	200 Students	1 Space/4 Students	50 Spaces
Office	6,798 SF	1 Space/250 SF	27 Spaces
			Required Parking: 107 Spaces

(**Note:** 134 parking spaces are shown on the proposed site plan. By ordinance, compact and tandem spaces cannot be counted towards meeting minimum parking requirements.)

2. Lighting is required for all parking lots, except residential lots with four units or less (Section 17.58.060.A.). Illumination shall be evenly distributed across the parking area with light fixtures designed and arranged so that light is directed downward and is reflected away from adjacent properties and streets. Use of glare shields or baffles may be required for glare reduction or control of back light. No light poles, standards and fixtures, including bases or pedestals, shall exceed a height of 40 feet above grade. However, light standards placed less than 50 feet from residentially zoned or designated property, or from existing residential development, shall not exceed a height of 15 feet. The final building plans shall include a picture or diagram of the light fixtures being used and show how light will be directed onto the parking area.

(**Note:** Staff can require additional adjustments to installed lighting after occupancy to resolve glare or other lighting problems if they negatively affect adjacent properties.)

3. Business identification signs are **neither considered nor approved** under this review. A separate sign permit reviewed by the Planning and Building Divisions and issued by the Building Division, is required for all new signs, including future use and construction signs.

(**Note:** Signs must comply with the Sign Ordinance; Chapter 17.60 of the Bakersfield Municipal Code. Review this Chapter as part of due diligence.)

4. Rooftop areas of commercial buildings (e.g., office, retail, restaurant, assembly, hotel, hospital, church, school), and industrial buildings adjacent to residentially zoned properties, shall be completely screened by parapets or other finished architectural features constructed to a height of the highest equipment, unfinished structural element or unfinished architectural feature of the building.
5. Open storage of materials and equipment shall be surrounded and screened with a solid wall or fence (screening also applies to gates). This fence shall be at least 6 feet in height and materials shall not be stacked above the height of the fence.

(**Note:** Fences taller than 6 feet are allowed in commercial and industrial zones but they will require a building permit.)

6. Areas used for outside storage shall be treated with a permanent dust binder or other permanent dust control measure consistent with the regulations of the San Joaquin Valley Air Pollution Control District.

(**Note:** All passenger vehicle-parking areas must be paved.)

7. Refuse collection bin enclosures and container areas are subject to all required structural setback from street frontages, and shall not reduce any parking, loading or landscaping areas as required by the Zoning Ordinance.
8. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizer/suppressants to control dust emission from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction-related speed to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

**C. FIRE DEPARTMENT (2101 H Street)**

(Staff contact - Ernie Medina; 661-326-3682 or EMedina@bakersfieldcity.us)

As proposed, no conditions at this time.

**D. WATER RESOURCES (1000 Buena Vista Road)**

(Staff contact - Tylor Hester; 661-326-3715 or THester@bakersfieldcity.us)

As proposed, no conditions at this time.

**E. PUBLIC WORKS – ENGINEERING (1501 Truxtun Avenue)**

(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)

As proposed, no conditions at this time.

**F. PUBLIC WORKS – TRAFFIC (1501 Truxtun Avenue)**

(Staff contact - Manpreet Behl; 661-326-3581 or MBehl@bakersfieldcity.us)

As proposed, no conditions at this time.

**G. PUBLIC WORKS – SOLID WASTE (4101 Truxtun Avenue)**

(Staff Contact - Jesus Carrera; 661-326-3114 or jcarrera@bakersfieldcity.us)

1. Show on the final building plans refuse/recycle bin enclosures. Each enclosure shall be designed according to adopted city standard (Detail # ST-27 and ST-28), at the size checked below ☒. Before occupancy of the building or site is allowed, 4, 3 cubic yard front loading type refuse/recycle bin(s) shall be placed within the required enclosure(s).

- |  |   |
|--|---|
| <input type="checkbox"/> 6' deep x 8' wide (1 bin)   | <input type="checkbox"/> 8' deep x 15' wide (3 bins)                |
| <input type="checkbox"/> 8' deep x 10' wide (2 bins) | <input checked="" type="checkbox"/> 1 - 8' deep x 20' wide (4 bins) |

(**Note:** All measurements above are curb-to-curb dimensions inside the enclosure. If both refuse and recycling containers are to be combined in the same enclosure area, this area must be expanded in size to accommodate multiple containers/bins - contact the staff person above for the appropriate enclosure size.)

2. Examples of enclosure styles can be found on (Detail # ST-32).
3. Facilities that require infectious waste services shall obtain approval for separate infectious waste storage areas from the Kern County Health Department. In no instances shall the refuse bin area be used for infectious waste containment purposes.
4. Facilities with existing refuse service must improve the service location area(s) according to adopted City standards (Detail # ST-27 and ST-28). These improvements shall be clearly shown on the final building plans.
5. Revise the sites plan to make the trash enclosure accessible to the refuse truck. Move the enclosure towards the front of the site entrance.

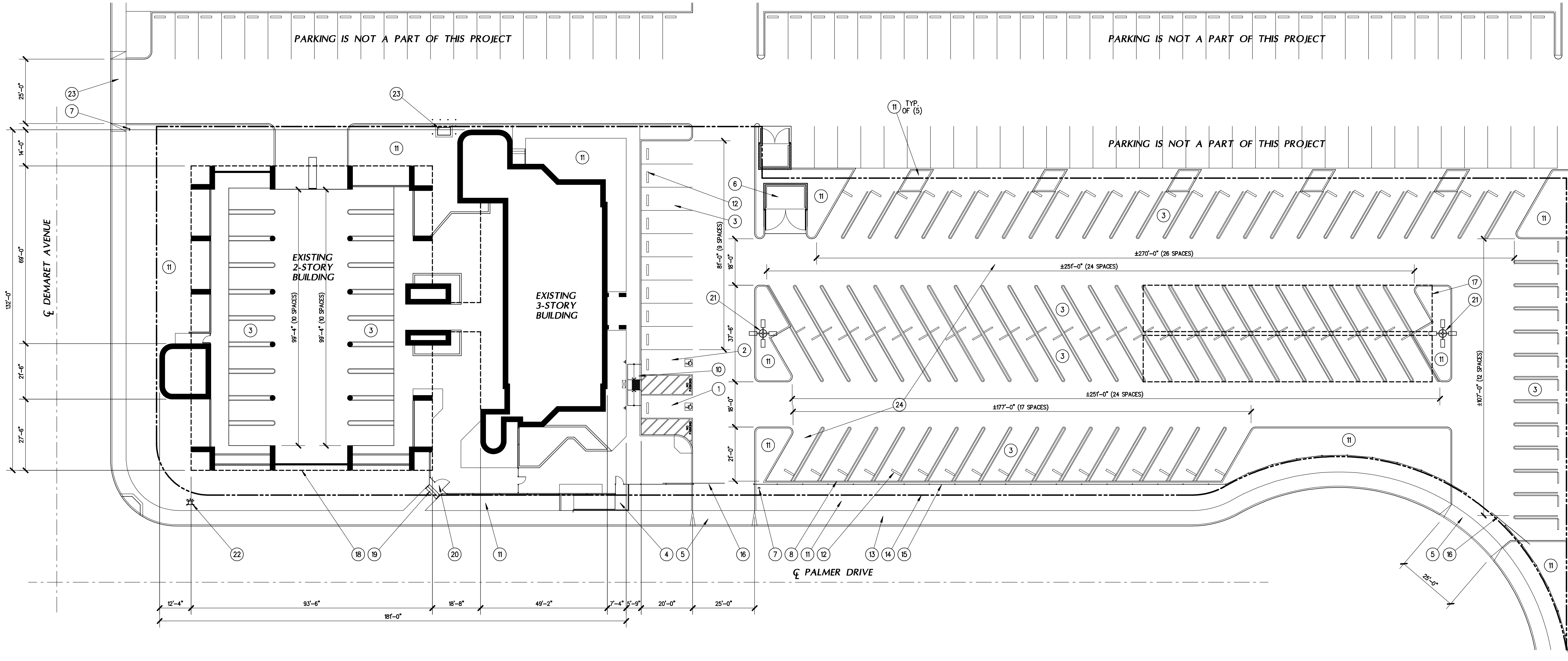
**(Note:** City trucks may not drive down dead end corridors, nor back-up long distances.)

Exhibit B  
(Location Map)



Exhibit C  
(Site Development Plan)

These drawings, related specifications, ideas, designs and arrangements represented hereby are and shall remain the property of the Architect and no part thereof shall be copied, disclosed to others used in connection with any work or project other than the specific project which they have been prepared and developed without the written consent of the Architect. Visual contact with these drawings or specifications shall constitute conclusive acceptance of these restrictions.



N SITE PLAN

20'

#### SITE KEY NOTES

- EXISTING 9'-0" WIDE x 18'-0" DEEP VAN ACCESSIBLE PARKING STALL - PER CITY, ADA & TITLE24 STANDARDS
- 9'-0" WIDE x 18'-0" DEEP ACCESSIBLE PARKING STALL - PER CITY, ADA & TITLE24 STANDARDS
- 9'-0" WIDE x 18'-0" DEEP PARKING STALL PER CITY STANDARDS
- EXISTING ACCESSIBLE PEDESTRIAN ACCESS - PER CITY, ADA & TITLE24 STANDARDS
- EXISTING CONCRETE DRIVE BREAK
- EXISTING CONCRETE BLOCK TRASH ENCLOSURE PER CITY STANDARDS
- EXISTING POLE MOUNTED ACCESSIBLE PARKING WARNING SIGN PER ADA & TITLE24 STANDARDS
- EXISTING 6" HIGH CONCRETE CURB
- MIN. 2" TYPE B2 A.C. PAVING OVER 3" CLASS II AGGREGATE BASE PER CITY STANDARDS
- EXISTING ACCESSIBLE CURB RAMP - SLOPE NOT TO EXCEED 1:12 WITH A . CROSS SLOPE NOT TO EXCEED 2% - PROVIDE A 48"x48" MINIMUM LANDING AT TOP AND BOTTOM OF RAMP - PER ADA & TITLE24 STANDARDS.
- EXISTING LANDSCAPE AREA
- EXISTING CONCRETE PARKING BUMPER
- EXISTING 5'-0" WIDE CONCRETE SIDEWALK
- APPROXIMATE LOCATION OF EXISTING PROPERTY LINE
- EXISTING 6'-0" HIGH WROUGHT IRON FENCE
- EXISTING 25'-0"x6'-0" ROLLING WROUGHT IRON GATE
- DASHED LINE DENOTES EXISTING SHADE CANOPY
- LINE OF EXISTING BUILDING ABOVE
- CONCRETE STEPS WITH HANDRAILS PER ADA AND TITLE24 STANDARDS
- EXISTING 3'-0"x6'-0" WROUGHT IRON GATE
- EXISTING POLE MOUNTED LIGHT FIXTURE - TOP @ +25'-0"
- EXISTING FIRE HYDRANT
- EXISTING ELECTRICAL TRANSFORMER w/ TRAFFIC BOLLARDS
- EXISTING 2" ASPHALTIC CONCRETE @ 2" BASE

#### SITE KEY NOTES

ZONING:	C-O
OCCUPANCY:	B
CONSTRUCTION TYPE:	V-A
SPRINKLERS:	YES
BUILDING AREA:	
FIRST FLOOR:	4,337 SF
OFFICE (ADMINISTRATION):	
SECOND FLOOR:	2,481 SF
OFFICE (FACULTY):	
CLASSROOM:	11,997 SF
THIRD FLOOR:	
CLASSROOM:	4,159 SF
NET BUILDING AREA:	22,954 SF
FIRST FLOOR PARKING GARAGE:	9,497 SF
GROSS BUILDING AREA:	32,451 SF
PARKING REQUIRED:	
OFFICE (ADMINISTRATION): 4,337 SF / 250:	18 SPACES
FACULTY (30 FACULTY x 1):	30 SPACES
STUDENTS (200 / 4):	50 SPACES
PARKING REQUIRED:	98 SPACES
BUS TRANSIT STATION REDUCTION (98 SPACES x 0.10):	-10 SPACES
*BUS TRANSIT LOCATED ON NEW STINE ROAD AND ON VILLAGE LANE*	
TOTAL PARKING REQUIRED:	88 SPACES
PARKING PROVIDED:	
EXISTING STANDARD PARKING SPACES:	132 SPACES
EXISTING ACCESSIBLE PARKING SPACES:	2 SPACES
TOTAL PARKING PROVIDED:	134 SPACES

UnitekCOLLEGE  
CONDITIONAL  
USE PERMIT

333 PALMER DRIVE  
BAKERSFIELD, CALIFORNIA

DATE	ISSUED FOR
9-9-18	CONDITIONAL USE PERMIT

REVISION	DESCRIPTION

JOB	5980
DP	RS
PM	RS